IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CITIZENS FOR TRUMP, NORTHEAST OHIO COALITION FOR THE HOMELESS, and ORGANIZE OHIO,	CASE NO.: 1:16-CV-1465
	JUDGE JAMES S. GWIN
	MAGISTRATE JUDGE McHARGH
Plaintiffs,	
v.	
CITY OF CLEVELAND, et al.,	**DEFENDANTS' MEMORANDUM IN SUPPORT OF MOTION TO DISMISS AND IN OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER**
Defendants.	

Defendants, The City of Cleveland and Mayor Frank G. Jackson, in his official capacity[1], submit this brief in support of their motion to dismiss Plaintiffs' complaint and in opposition to Plaintiffs' motion for preliminary injunction and temporary restraining order.

INTRODUCTION

The 2016 Republican National Convention ("RNC") will be held in Cleveland, Ohio at the Gateway Sports Complex[2] ("Event Complex") from July 18-21, 2016 ("Event Period"). The City has enacted temporary regulations ("Regulations")[3] that establish an official parade route and institute a permit process for parades, park use, and use of an official speakers platform provided by the City. The Regulations further define an Event Zone that designates portions of

[1] The City of Cleveland and Mayor Jackson referred hereinafter collectively as the "City" or "Defendants."
[2] The Gateway Sports Complex includes Quicken Loans Arena, where the business of the convention will take place, and Progressive Field, where supporting activities and delegate meetings will occur.
[3] Cleveland Board of Control Resolution No. 252-16, adopted May 25, 2016 ("Ex. 7").

the downtown Cleveland area, outside of any "Secure Zone,"[4] where the regulations have effect. The regulations ban certain items from the Event Zone that are deemed to present a risk to the safety and security of the public. Apart from these restrictions, the Regulations do not otherwise restrict the public's freedom to exercise its First Amendment rights in any public place within the Event Zone.

Plaintiffs seek to have the Court order the City to alter the Regulations to redefine the geographic limits of the Event Zone, reduce the restrictions on certain items in the Event Zone, provide additional parks for assembly, alter the official parade route, allow alternative parade routes, and alter the times for and duration of permitted parades. Plaintiffs' Complaint ("Pls.' Compl.") at 23. Plaintiffs also seek to have the Court order the City to immediately process Plaintiffs' permit applications. *Id.* Plaintiffs further request declaratory judgment that: (1) Defendants' delay in issuing Plaintiffs' permits violates Plaintiffs' First Amendment rights; (2) the Regulations violate Plaintiffs' First Amendment rights; and (3) the Regulations violate Plaintiffs' due process rights. *Id.* Finally, Plaintiffs request damages and an award of interest, costs, and attorney fees. *Id.* at 22–23.

The City has promulgated an official parade route and parade regulations that permit eighteen parades during the Event Period to approach within sight and sound of the Event Complex. The City has promulgated park use regulations that require permits only for the installation of art and other structures. The City has promulgated a registration process to use an official speaker's platform on Public Square. Permits are not required for other park uses. All areas within the Event Zone that are open to the public, including certain streets and areas bordering the Event Complex and closed to vehicular traffic, are available for peaceful, expressive activity. The Regulations do not confine demonstrations, rallies, protests, or other

[4] "Secure Zone" is defined in the Regulations as "the area or areas in the Event Zone" to which access is restricted by the United States Secret Service or the Department of Public Safety. Ex. 7 § II(a)(19).

protected speech to any limited, designated area. The public will have ample opportunity for sight and sound contact with delegates arriving to and departing from the convention. The ban on certain items within the Event Zone is a reasonable restriction rationally based on the unique security challenges present during the Event Period. Finally, the City has processed Plaintiffs' permit applications and informed Plaintiffs thereof.

The Court should grant Defendants' motion to dismiss because the City has afforded Plaintiffs their rights under the First and Fourteenth Amendments, Plaintiffs cannot meet the standards required for issuance of a preliminary injunction, and Plaintiffs' claims related to the consideration of their permit applications are moot.

FACTS

The City offers the following facts:

A. The City's Preparations for Hosting the RNC

As a prominent event in American democracy, this event will draw worldwide attention. An estimated 50,000 official visitors will participate, including media, delegates, party officials, elected officials, candidates, and security personnel from local, state, and federal agencies. The estimates of other expected visitors vary widely.

As part of the negotiations to host the RNC, the City committed to providing City-owned facilities to the Host Committee, including Public Hall, public areas of City Hall, Browns Stadium, Voinovich Park, Malls A, B, and C, and certain parking lots. Cleveland Codified Ordinances No. 880-14 ("Ex. 6") § 1.

The Secretary of the United States Department of Homeland Security, pursuant to 18 U.S.C. § 3056(e), has designated the 2016 RNC as a "National Special Security Event" ("NSSE"). Declaration of Special Agent Ronald L. Rowe Jr. ("Ex. 2") ¶ 9. This designation identifies the RNC as a potential target for terrorism and criminal activity. Declaration of

Deputy Chief Edward Tomba ("Ex. 1") ¶ 33. As such, federal law requires the United States Secret Service ("Secret Service") to plan, coordinate, and implement security operations during the 2016 RNC. Ex. 2 ¶ 8. The Secret Service serves as the lead federal agency to work with other federal, state, and local law enforcement and public safety organizations to develop special precautions and safety measures for the RNC. Ex. 2 ¶ 10. In protecting the RNC, the Secret Service is authorized to create restricted zones, and federal law explicitly prohibits persons and groups from entering a restricted area where a Secret Service protectee is or will be visiting or where a NSSE is held. Ex. 2 ¶ 11. The Secret Service will be establishing restricted zones around the Event Complex and the Huntington Convention Center of Cleveland at 300 Lakeside Avenue ("Huntington Center") and coordinating a secure 24-hour shuttle between the two locations ("Restricted Zones). Ex. 2 ¶¶ 6, 12. Only credentialed individuals will be permitted access to the Restricted Zones. Ex. 2 ¶¶ 11, 14. The City is responsible for security outside of the Restricted Zones. Ex. 1 ¶ 23. As part of the City's preparations for hosting the RNC, the City of Cleveland Division of Police ("CPD") conferred with other federal, state, and local law enforcement agencies, including the Secret Service, beginning shortly after the City was named to host the RNC, to formulate a security plan. Ex. 1. ¶ 7. The security plan has been publicized in stages for security and logistical reasons. Ex. 1 ¶ 9; Declaration of Assistant Director of Public Safety Edward J. Eckart Jr. ("Ex. 3") ¶ 15.

In developing the security plan, the Secret Service and the CPD had to consider and balance many factors, including: (1) the potential for a wide array of security threats; (2) the security measures and strategies necessary to prevent any security threat; (3) the distance necessary to minimize the effects of weapons, explosives, and biological or chemical agents if deployed in or around the Restricted Zones; (3) the geography of the area surrounding the Restricted Zones; (4) the space necessary to secure the Restricted Zones, including the ability to

ensure access by emergency vehicles and other necessary traffic; (5) the need to maintain public access and traffic flow within the Event Zone and between the Event Zone and the rest of Cleveland; (6) the need to maintain normal City services; (7) the need to allow adequate opportunities for First Amendment activities within the Event Zone; and (8) the need to protect people and property from civil unrest, disturbance, and violence. Ex. 2 ¶¶ 13–17, 23; Ex. 1 ¶¶ 15–22.

B. **The Restricted Zones**

As detailed in the Declaration of Special Agent Ronald L. Rowe Jr., although the Quicken Loans Arena is the venue for official RNC sessions, Progressive Field, which is directly adjacent to the Arena, is part of the Complex, and meetings, entertainment, and activities for delegates and other visitors are scheduled at Progressive Field throughout the RNC. Ex. 2 ¶ 5.

Media covering the RNC will be working at the Huntington Center. Ex. 2 ¶ 6. Members of the media will be transported between the Complex and the Huntington Center via a 24-hour media shuttle. *Id.* This secure shuttle requires a dedicated route of transport (the "Press Chute"), which runs down portions of East 9th Street, St. Clair Avenue, and Lakeside Avenue. *Id.* The Press Chute will also be used by screened, authorized vehicles. *Id.*

In an effort to allow pedestrians to approach the Event Complex, there is a "pedestrian only" area near the Event Complex. Ex. 2 ¶ 15. Vehicles will be kept further away to prevent vehicle-borne explosives from approaching. *Id.* Portions of Ontario Street and Carnegie Avenue will be closed to pedestrian and vehicular traffic. Ex. 2 ¶ 18. Around the Huntington Center, portions of St. Clair Avenue and Lakeside Avenue will be closed to vehicular traffic. Ex. 2 ¶ 20. As a result of the Press Chute, a portion of East 9th Street will be closed to vehicular traffic, other than the media shuttle and authorized vehicles. Ex. 2 ¶ 21. Vehicles traveling east and west

across East 9th Street will be able to cross at designated intersections staffed by law enforcement officers. *Id.*

C. **The Event Zone Permit Regulations**

On May 25, 2016, the City promulgated regulations that establish an official parade route, regulate park use, and establish and regulate use of an official speakers platform provided by the City. Ex. 1 ¶ 10. The Regulations also ban certain items from the Event Zone for security reasons. Ex. 1 ¶ 12. The regulations define the Event Zone and limit the Regulations' operative effect to the Event Zone. Ex. 7 §§ II(a)(9), II(c), III(a), III(b). The Regulations expire on their own terms at the conclusion of the RNC.[5]

1. The Event Zone: The Regulations define the Event Zone by map reference. Ex. 7 § II(a)(9). The Event Zone is generally bounded on the north by Lake Erie, on the west by West 25th St., on the south by Carnegie Ave. and Interstate 90, and on the east by Interstate 90 as it turns northward. The City of Cleveland encompasses 77.7 square miles.[6] Granting *en arguendo* that Plaintiffs accurately measured the Event Zone at 3.3 square miles, Pls.' Compl. ¶ 35, this represents approximately 4% percent of the City's landmass. In addition, a portion of the Cuyahoga River winds through the Event Zone and large areas in the Event Zone are not open to the general public including Burke Lakefront Airport, the Port of Cleveland and the Restricted Zones. No person will be denied access to the Event Zone. Ex. 1 ¶ 50. There will be delegates traveling in and around the Event Zone. Ex. 1 ¶ 17. Delegates will be lodging at hotels in and around the Event Zone and will travel to and from the Event Complex on foot. *Id.* All those interested will have the opportunity to be within sight and sound of the delegates as they traverse to and from the Event Complex. *Id.*

[5] Section I(d) of the Regulations provide that the Regulations shall "terminate at 12:01 a.m. Eastern Daylight Time on July 24, 2016." The Regulations provide for a limited extension of the effective date of the Regulations should the RNC be delayed.

[6] U.S. Census data 2014, *available at* http://www.census.gov/quickfacts/table/INC110214/3916000.

2. Avenues for First Amendment Activity within the Event Zone: The Regulations do not restrict First Amendment activities to designated areas. *See* Ex. 7; Ex. 1 ¶ 38. Apart from the restrictions on parades, certain park use, the use of an official speaker's platform, and certain prohibited items, the only other restrictions on expressive activity within the Event Zone are the same generally applicable laws that have been in force prior to the Event Period. Ex. 1 ¶ 38.

Numerous areas around the Event Complex will provide the public prime sight and sound access to the delegates, members of the media, and other officials, including: (1) city sidewalks outside of the Event Complex that are open to the public; (2) Prospect Ave. which will be closed to vehicular traffic but open to pedestrian traffic and is within sight and sound of the Event Complex and intersects with the path of delegates arriving and departing the Event Complex on foot (*see* "Parade Route and Public Access" presentation ("Ex. 15") at 18, 19, 23, 24)[7]; (3) the sidewalk on the east side of East 9th St. and a section of Erie Court next to the Erie Street Cemetery that will be open to the public and is within sight and sound of the Event Complex (*id.* at 16, 17); (4) a large triangular area ("the Triangle") along the south side of Ontario St., next to the Lorain-Carnegie Bridge that is within sight and sound of the Event Complex and is large enough to accommodate several thousand people (*id.* at 11–15); (5) a portion of East Huron Rd. near East 7th St. that will be closed to vehicular traffic, but open to pedestrian traffic, and is within sight and sound of the Event Complex (*id.* at 21); and (6) a portion of East 4th St. south of Prospect Ave. that will be closed to vehicular traffic but open to pedestrian traffic and is within sight and sound of the Event Complex (*id.* at 20, 22). These public viewing areas will be open to the public at all times during the RNC.

3. The Official Parade Route: The City undertook significant planning and considered alternate routes before deciding on the Official Parade Route. Ex. 1 ¶¶ 18–32; Ex. 3

[7] The "Parade Route and Public Access" Power Point® was presented by Defendants' counsel to Plaintiffs' counsel on June 6, 2016 at the law offices of Jones Day.

¶¶ 35–37. The logistical difficulties in coordinating even one parade route in the Event Zone necessitate the designation of a single parade route that both complies with the First Amendment and does not compromise the security needs for the convention and the City's other required services. Ex. 1 ¶ 34–36. CPD does not have the resources to effectively protect multiple parade routes during the RNC. Ex. 1 ¶ 35.

During the Event Period, the Regulations displace, within the Event Zone, the City's standard parade regulations and allow permitted parades to travel only along the Official Parade Route. Ex. 7 §§ I(c), II(d)(1). The route begins on Carnegie Avenue 500 feet east of West 20th Street proceeds along the Lorain-Carnegie Bridge to the intersection of Ontario Street, turns right and proceeds along Ontario Street and terminates at the intersection of Orange Avenue and East 9th Street. Ex. 7 § II(a)(10). Parade participants may then egress on sidewalks along East 9th Street or East 14th Street and back toward the Event Complex. *Id.* At its closest point, the Official Parade Route comes within approximately 160 feet of the Event Complex[8]. The Official Parade Route is within view of the Event Complex and allows extensive media coverage due to its exposure along the Lorain-Carnegie Bridge. *See* Ex. 1 ¶ 39.

The streets comprising the Official Parade Route and its starting point will be closed to vehicular traffic during the Event Period. Ex. 1 ¶ 37. The City considered the following alternate parade routes, yet they either fall within the Restricted Zones or need to remain open for vehicular traffic to maintain traffic flow and necessary city services:

a. Superior Avenue: Due to the closure of the Lorain-Carnegie Bridge by the Secret Service, and the impediments on Lakeside Avenue near the Huntington Center, significant bus and commuter traffic must be rerouted across the Detroit Superior Bridge. Ex. 1 ¶ 28. Superior Avenue is essential for maintaining east-west bus routes. *Id.* As stated in the

[8] This measurement was taken uses Google Maps® distance measuring function. *See* Ex. 15 at 26, 28.

Declaration of Joel B. Freilich, the Greater Cleveland Regional Transit Authority ("RTA") needs Superior Avenue to remain open for the orderly flow of RTA traffic across the Cleveland area. Declaration of Joel B. Freilich ("Ex. 4") ¶ 9. Superior Avenue is the "main linkage" between the east side and the west side bus service during the RNC. *Id.* For purposes of RTA's transportation operations, the "most critical" segment of Superior Avenue is the segment stretching from West 25th Street to East 30th Street. *Id.* Superior Avenue is also critical for maintaining the western emergency route out of downtown to Metro Health Center, Cuyahoga County's largest level 1 trauma center. Ex. 1 ¶27; Ex. 3 ¶ 41.

b. Carnegie Avenue: Portions of Carnegie Avenue near the Event Complex will be closed to vehicular and pedestrian traffic. Ex. 2 ¶ 19. Carnegie Avenue to the east of the event Complex must be kept open at all times because it serves as the eastern emergency route out of downtown to the Cleveland Clinic and University Hospital. Ex. 1 ¶ 25; Ex. 3 ¶ 38. University Hospital is one of only two level 1 trauma centers in Cuyahoga County. Ex. 1 ¶25; Ex. 4 ¶ 39.

c. Ontario Street: Portions of Ontario Street will be closed to pedestrian and vehicular traffic near the Event Complex. Ex. 2 ¶ 19; Ex. 1 ¶ 32.

d. Prospect Avenue: Portions of Prospect Avenue will be closed to vehicular traffic. Ex. 1 ¶ 26. The installation of security barriers will narrow the street. *Id.* Limiting Prospect Avenue to pedestrian traffic will enable the public to be near the Event Complex, have access to the delegates, and allow other First Amendment activity. *Id.*; Ex. 3 ¶ 39.

e. Euclid Avenue: Euclid Avenue is a "heavily used" bus route through use of RTA's HealthLine. Ex. 4. ¶ 10. The only street that runs parallel to Euclid Avenue in the Event Zone will be closed in part to vehicular traffic. *Id.* If Euclid Avenue is closed, no other parallel route could handle the increased bus traffic. Ex. 1 ¶ 27; Ex. 4 ¶ 10. Euclid Avenue is

also a primary route for the City's emergency evacuation plan. Ex. 1 ¶ 27. Euclid Avenue is one of the primary routes for pediatric EMS transports to Rainbow Babies and Children's Hospital. Ex. 3 ¶ 40.

f. East 9th Street: A portion of East 9th Street will be closed to vehicular traffic to accommodate the Press Chute, which is an integral part of the Secret Service's transportation plan and must remain open continuously. Ex. 2 ¶ 21.

g. Lakeside Avenue and St. Clair Avenue: Portions of Lakeside Avenue and St. Clair Avenue will be closed to vehicular and pedestrian traffic as a result of the Restricted Zone near the Huntington Center. Ex. 2 ¶ 20; Ex. 1 ¶¶ 29, 30. Lakeside Avenue will also serve as the staging area for significant emergency response assets, including fire and EMS. Ex. 1 ¶ 30; Ex. 3 ¶ 43.

4. Parade Regulations: The Regulations permit up to eighteen parades during the Convention Period: three on Monday, July 18, 2016 and five each day from Tuesday, July 19 through Thursday, July 21, 2016. See Ex. 7 § II(e)(1). Each parade permit will cover a one-hour time period, requiring the parade to commence within ten minutes of its assigned start time. Ex. 7 § II(f). If fewer than eighteen applicants receive parade permits, the City committed to the ACLU to work with applicants who desire a longer parade period.[9]

Due to the close proximity of the Official Parade Route to the Event Complex, the Secret Service will not allow vehicles on the route as portions lie within the pedestrian only zone. Ex. 2 ¶ 15.

Portable, hand-held sound amplification equipment is permitted on the Official Parade Route. Ex. 7 §§ II(a)(21), II(f)(7).

[9] *See* Letter from the City to Ms. Freda Levenson (June 10, 2016) (attached as Exhibit 16).

5. Park Use Regulations: The Regulations require a park use permit only for placing Public Art[10] or a Public installation[11] in one of two City parks. Ex. 7 § II(d)(2). The Regulations do not require or authorize the issuance of permits for other uses. See Ex. 7 § II(d). The Regulations restrict advertising, commercial activity, fires, property damage, camping, the use of Sound Amplification Equipment[12], and vehicles in City parks. Ex. 7 § II(g). All other expressive activity is permitted on a first-come, first-served basis. Plaintiffs correctly state that "no park or space may be reserved" to the exclusion of others.

Permits for park use are available from Monday, July 18 through Thursday, July 21, 2016 between 9:00 a.m. and 9:00 p.m. each day. Ex. 7 § II(e)(2).

6. Prohibited Items: The Regulations prohibit certain items within the Event Zone. Ex. 7 § III. All of the prohibited items are known to CPD as having been used to cause injury or to facilitate criminal activity at other security events or are otherwise prohibited by generally applicable laws that have been in effect prior to the Event Period. Ex. 1 ¶12; Ex. 3 ¶ 18.

The Regulations on prohibited items do not apply to residents in their place of residence. Ex. 7 § III(c)(2). The homeless population within the Event Zone is small[13] and well known to CPD. Ex. 1 ¶ 53. For purposes of the enforcement of the Regulations, the City considers these particular homeless people to be residents of the City.

7. Official Speakers Platform Regulations: The Regulations require the City to provide an Official Speakers Platform with sound amplification equipment. Ex. 7 § II(h)(4).

---

[10] "Public Art" is defined in the Regulations as "the placement of art or other object containing public messaging on any Public Grounds with the intention to leave it for a period of time to be viewed by the public." Ex. 7 § II(a)(18).
[11] "Public Installation" is defined in the Regulations as "the placement of any structure or physical object which hinders the free use and passage of pedestrians on Public Grounds, including tables, chairs, temporary structures and canopies." Ex. 7 § II(a)(17).
[12] "Sound Amplification Equipment" is defined in the Regulations as "any system or piece of equipment used for the production of amplified sound, *excluding* megaphones, bullhorns and portable battery-operated sound amplification devices." Ex. 7 § II(a)(21) (emphasis added).
[13] The City does not dispute Plaintiffs' estimate that the homeless population within the Event Zone numbers between 90 and 110. Pls.' Compl. ¶ 57.

The Official Speakers Platform will be located in Public Square. Ex. 7 § II(a)(11). Persons may use the Official Speakers Platform on a first-come, first-served basis limited to thirty-minute increments between 9:30 a.m. and 6:00 p.m. each day from Monday, July 18 through Thursday, July 21, 2016. Ex. 7 § II(h). No person may use a speakers platform[14], other than the Official Speakers Platform, within the Event Zone. Ex. 7 § II(c).

8. The Permitting Process: When drafting the Regulations, the City anticipated a large number of requests for permits during the Event Period yet could not know the actual number of applications it would receive. Declaration of Danielle Graham ("Ex. 5") ¶ 10. For this reason, the City could not arbitrarily commit to a precise time period within which to decide upon every permit application.

Plaintiff, Citizens for Trump, filed an initial application ("Ex. 9")[15] on or about April 25, 2016. Ex. 5 ¶ 26; Ex. 9 at 3. On April 26, 2016, the City responded to Mr. Selaty, a representative for Citizens for Trump, and notified him that his application would be kept in the order it was received and that decisions would be made after final approval of the security plan. Ex. 9 at 2. On May 31, 2016, the City contacted Mr. Selaty and asked him to resubmit his request using the new permit application. Ex. 5 ¶ 27. On June 1, 2016, Mr. Selaty submitted another permit application ("Ex. 11")[16] requesting to conduct a six hour parade along East 9th St., to reserve an entire park for multiple days, and to install a "full stage" complete with sound amplification equipment. Ex. 5 ¶ 29; Ex. 11. On June 16, 2016, the City issued Citizens for Trump a parade permit for the Official Parade Route. Ex. 5 ¶ 30; Ex. 12. On June 20, 2016, the City denied Citizens for Trump's request to use a park for a rally, erect a stage, and install a sound system. Ex. 5 ¶ 32; Ex. 14.

[14] "Speakers Platform" is defined in the Regulations as "the placement and use of a podium, platform, pedestal, stand or similar object to make a public speech, other than the Official Speakers Platform." Ex. 7 § II(a)(22).
[15] Exhibit 9 includes email correspondence between Plaintiff, Citizens for Trump, and the City.
[16] Exhibit 11 includes email correspondence between Plaintiff, Citizens for Trump, and the City.

On or about March 16, 2016, the City received a permit application ("Ex. 8") from Plaintiff, Organize Ohio, represented by Ms. Dothey and Mr. Bresler. Ex. 5 ¶ 25. The application was acknowledged on March 16, 2016 and April 26, 2016. Ex. 5 ¶ 25. On May 31, 2016, the City contacted Organize Ohio and asked the organization to resubmit its request using the new permit application. Ex. 5 ¶ 27. On June 1, 2016, Mr. Bresler submitted a new application ("Ex. 10") requesting a parade route other than the Official Parade Route. Ex. 5 ¶ 28. On June 20, 2016, Organize Ohio's permit application was denied because it did not request the Official Parade Route. Ex. 5 ¶ 31; Letter from the City to Ms. Dothey and Mr. Bresler ("Ex. 13") (denying permit application).

As of June 20, 2016, the City has issued 51 permits under the Regulations. Ex. 5 ¶¶ 21–23. The City continues to process permit applications as they are received. Ex. 5 ¶ 24.

The Regulations provide for an appeal process that requires the Director of Public Safety ("Director") or the Director's designee to hold a hearing on the denial or revocation of a permit within three business days of receipt of a notice of appeal. Ex. 7 § II(s). If the Director affirms the denial or revocation, the applicant shall be notified immediately. *Id.*

ARGUMENT

The Court should grant Defendants' motion to dismiss Plaintiffs' complaint and deny Plaintiffs' motion for injunctive relief and temporary restraining order. The City has not violated Plaintiffs' constitutional rights; thus, Plaintiffs' complaint does not present a plausible claim. Dismissal is therefore appropriate. Additionally, injunctive relief is unavailable because the City's actions are constitutional, and it is therefore unlikely that Plaintiffs will be successful on the merits.

A. **Governing Legal Standards**

1. Rule 12 Dismissal: "A motion to dismiss under Fed. R. Civ. P. 12(b)(6) is designed to test the sufficiency of the complaint." *Riverview Health Inst. LLC v. Med. Mut.*, 601 F.3d 505, 512 (6th Cir. 2010). A plaintiff's complaint must be dismissed under Rule 12(b)(6) unless the complaint demonstrates a plausible cause of action. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The "complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Id.* (quoting *Twombly*, 550 U.S. at 570). To present a plausible claim, plaintiffs must raise "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* "Factual allegations must be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S. 544, 555 (2007). If the complaint fails to demonstrate a plausible claim for relief "or if the face of the complaint demonstrates that relief is barred by an affirmative defense," dismissal is appropriate. *Cheatom v. Quicken Loans.*, 587 Fed. Appx. 276, 279 (6th Cir. 2014) (citing *Riverview Health Inst. LLC*, 601 F.3d at 512).

2. Requests for Injunctive Relief: In determining whether to grant a preliminary injunction, courts consider four factors: (1) whether the plaintiff demonstrated "a strong or substantial likelihood of success on the merits;" (2) whether the plaintiff demonstrated an irreparable injury; (3) whether the "preliminary injunction would cause substantial harm to others;" and (4) "[w]hether the public interest would be served by issuing a preliminary injunction." *Friendship Materials, Inc. v. Mich. Brick, Inc.*, 679 F.2d 100, 102 (6th Cir. 1982). "A district court is required to make specific findings concerning each of the four factors, unless fewer factors are dispositive of the issue." *Anderson v. Kelly*, No. 92-6663, 1993 WL 524235, at *4 (6th Cir. Dec. 15, 1993). No one factor is dispositive in this inquiry. *Id.*

B. **As an Initial Matter, the City's Restrictions are Less Burdensome than Other Convention Cities' Restrictions that were Constitutionally Permissible.**

1. New York City, NY: 2004 Republican National Convention: New York City designated a demonstration zone, a "frozen zone" barring all pedestrian traffic, and a no-demonstration zone banning protesting, leafleting, or congregating. *Marcavage v. City of New York*, 689 F.3d 98, 101–02 (2d Cir. 2012). Plaintiffs' primary argument was that the demonstration zone was not within sight and sound of the convention center. *Id.* at 108. The Second Circuit, nevertheless, held that "[t]he no-demonstration zone does not burden *substantially* more speech than necessary, even if alternatives are conceivable." *Id.* at 106 (emphasis in original). The Second Circuit found the restrictions narrowly tailored to achieve a significant government interest, explaining:

> The police had to design measures to cope with a security challenge that was altogether extraordinary….Fifty thousand attendees were expected for the Convention itself. Protesters of different persuasions would descend. Vehicle and pedestrian traffic would be rerouted along two main arteries….These facts, taken together, bespeak a significant—indeed, compelling—government interest in security.

Id. at 105.

2. Denver, CO: 2008 Democratic National Convention: In *Am. Civil Liberties Union v. City of Denver*, 569 F. Supp. 2d 1142, 1189 (D. Colo. 2008), the demonstration zone was located in a portion of the immense parking lot that surrounded the convention center. *See id.* at 1153. The view of the convention center from the zone was partially obstructed, and although delegates could conceivably come within eight feet of the people within the demonstration zone, the bus stop for delegates was 200 feet away and did not require them to come any closer. *See id.* at 1154. The Denver official parade route allowed up to twenty parades during the convention: up to five per day from 11:00 a.m. to 2:30 p.m.—less than an hour per parade. *See id.* at 1156. The closest the parade route came to the convention center, during the

convention, was 1800 feet and only a "sliver" of the convention center was visible. *Id.* at 1158–59; Ex. 15 at 27, 28.

3. Saint Paul, MN: 2008 Republican National Convention: In *The Coalition to March on the RNC & Stop the War v. City of St. Paul*, 557 F. Supp. 2d 1014, 1030 (D. Minn. 2008), plaintiffs challenged a parade route that, although passing within eighty feet of the convention center at one point, was not within sight or sound of the main entrance to the center and was scheduled before delegates were likely to arrive. St. Paul also established a designated public viewing area mostly within sight and sound of the convention center. *Id.* at 1029. The court upheld the restrictions, noting that "there is no obligation on the part of the St. Paul Police Department or the other defendants to maximize the opportunities for physical confrontation with conventioneers." *Id.* at 1031.

4. Boston, MA: 2004 Democratic National Convention: In *Coalition to Protest the Democratic Natl. Convention v. City of Boston*, 327 F. Supp. 2d 61, 78 (D. Mass. 2004), the designated free speech zone was "an offense to the spirit of the First Amendment," *id.* at 76, and the designated parade route had "some elements of adequacy," *id.* at 72. The court further found that "while the practical differences between the contested parade routes may be small, the symbolic differences loom larger." *Id.* The closest the Boston parade route came to the convention center was approximately 780 feet, and the view was restricted down narrow streets. *See id.* at 76; Ex. 15 at 35, 36. The closest the public could get to the convention center was a block away at the designated free speech zone the court described as "an internment camp." 327 F. Supp. 2d at 74. The court, however, found the designated zone and parade route constitutional, during the convention period, because "there is no injunctive relief that [the court] could fashion that would vindicate plaintiffs' First Amendment rights without causing quite significant harm to the City, the delegates, and the public interest…in the form of increased risk

to those attending the DNC and further strain on the overtaxed manpower resources of public safety personnel." *Id.* at 76. Adequate alternate avenues of communication were present because Boston "provided nuanced, reticulated options for many different types of expression within the soft zone." *Id.* at 71–72.

5. Charlotte, NC: 2012 Democratic National Convention: The City of Charlotte established an official parade route that did not come within sight or sound or within 950 feet of the main convention center. Ex. 15 at 45–47. Charlotte's parade route was not challenged.

6. Tampa, FL: 2012 Republican National Convention: The City of Tampa established an official parade route that came within 860 feet of the convention center at its closest point. Ex. 15 at 26, 41, 42. Tampa also designated a protest zone that was approximately 270 feet from the convention center. Ex. 15 at 26, 43. Tampa's restrictions were not challenged.

C. The City's Parade, Speech, and Assembly Restrictions are Constitutionally Permissible.

1. Free-speech claims require a three-step inquiry: first, the court must determine "whether the speech at issue is afforded constitutional protection;" second, the court looks to the "nature of the forum;" and third, the court looks to "whether the government's action in shutting off the speech was legitimate in light of the applicable standard of review." *Bible Believers v. Wayne Cty., Mich.*, 805 F.3d 228, 242 (6th Cir. 2015) (en banc). The City does not dispute that Plaintiffs' anticipated activities constitute protected speech, or that they will take place in traditionally public fora. Accordingly, the relevant issue for this Court's consideration is whether the Regulations are legitimate. Under this test, the City may impose reasonable restrictions on the time, place, and manner of protected speech if the restrictions are justified without regard to the content of the speech, are narrowly tailored to serve a significant government interest, and there are ample alternative channels for communication of the desired

message. *Ward v. Rock Against Racism*, 491 U.S. 781, 791 (1989). Note that although Plaintiffs bring claims under both Ohio law and the U.S. Constitution, "the free speech guarantees accorded by the Ohio Constitution are no broader than the First Amendment." *Eastwood Mall, Inc. v. Slanco*, 626 N.E. 2d 59, 61 (Ohio 1994).

2. The restrictions are justified without regard to the content of Plaintiffs' speech.

Plaintiffs do not allege that the restrictions are content based. *See* Plaintiffs' Memorandum in Support of Motion for Preliminary Injunction and Temporary Restraining Order ("Pls.' Memo.") at 2–3. "A regulation that serves purposes unrelated to the content of expression is deemed neutral, even if it has an incidental effect on some speakers or messages but not others." *Ward*, 491 U.S. at 791.

3. The restrictions are narrowly tailored to serve a significant government interest.

Courts agree that maintaining the physical security of persons and property involved in a high-profile event, like a political convention, is a government interest of "the highest order." *Citizens for Peace*, 477 F.3d 1212 (10th Cir. 2007). Plaintiffs do not disagree that ensuring the public's safety is a significant government interest, as "political conventions are potential terrorist targets." *Marcavage*, 689 F.3d at 101.

The Regulations are narrowly tailored because the public would be less secure absent the Regulations. For a restriction to be narrowly tailored, it "need not be the least speech-restrictive means of advancing the Government's interests." *Turner Broadcasting Sys. v. FCC*, 512 U.S. 622, 662 (1994). "Rather, the requirement of narrow tailoring is satisfied so long as the regulation promotes a substantial government interest that would be achieved less effectively absent the regulation." *Id.* (quotation omitted). The Regulations compare favorably with constitutionally sound regulations other cities have enacted during recent political conventions: the City has not designated any areas as "no demonstration" zones; the Official Parade Route

comes within sight and sound of the Event Complex; and the Regulations provide for as many as eighteen, one hour long parades. Finally, the Regulations are limited to a small portion of Cleveland and will expire at the conclusion of the RNC.

4. There are ample alternative avenues of communication.

"[T]he 'ample alternatives' element is a multi-factor, fact-intensive inquiry. While it must give some deference to the speaker's desire to reach a particular audience or speak at a particular place, it does not require that the speaker have the ability to engage in precisely the same means of expression in precisely the same location, nor does it require that the speaker have the ability to communicate in the same manner as he or she wishes." *ACLU v. Denver*, 569 F. Supp. 2d at 1164 (collecting cases). Indeed, the alternatives may be adequate even if they "do not necessarily permit the same quantity of speech, prohibit the preferred method of communication, or reduce the size of the potential audience." *Id.*

Plaintiffs are not entitled to choose the alternative channel that they desire. *Heffron v. Int'l Soc. for Krishna Consciousness, Inc.*, 452 U.S. 640, 647 (1981) ("It is also common ground, however, that the First Amendment does not guarantee the right to communicate one's views at all times and places or in any manner that may be desired."). Indeed, the First Amendment "does not guarantee [protesters] access to every or even the best channels or locations for their expression." *Carew-Reid v. Metro Transp. Auth.*, 903 F.2d 914, 919 (2d Cir. 1990). "All that is required is that an alternative channel be ample—i.e., an 'adequate' channel for communication." *Marcavage*, 689 F.3d at 107. The City's resources, in terms of geography, logistics, and police coverage, are finite and will be severely burdened during the RNC. Plaintiffs' desires to conduct hours-long parades on the routes of their choosing and to monopolize parks, if granted a permit to do so, would shift the City's resources in such a way to limit the channels of communication available to the rest of the public.

The essence of Plaintiffs' complaint is that the Regulations offend the First Amendment because they do not allow Plaintiffs to exercise their rights in precisely the manner they wish and to the exclusion of others. Pls.' Memo. at 9. Plaintiffs seem to prefer more regulation, so long as it allows them to monopolize a park and take limited parade time for themselves. *See id.*

Even if Plaintiffs are unable to express themselves precisely as they would like, that does not mean that the alternatives are impermissible. *Citizens for Peace in Space v. City of Colorado Springs*, 477 F.3d 1212, 1226 (10th Cir. 2007) ("In this case, protesting on the periphery of the security zone allowed the Citizens to present their views to the conference delegates and international media. They were not wholly cut off from their intended audience, such that there were no ample alternatives to a protest within the security zone itself."). Numerous areas nearly surrounding the Event Complex are open to public and are within sight and sound of the delegates. The City is providing an Official Speakers Platform and allowing the use of bullhorns and megaphones throughout the Event Zone. These alternate avenues are adequate.

D. **The City's Event Zone and Its Attendant Regulations are Constitutionally Permissible.**

In considering due process claims, this Court considers first "whether the interest at stake is within the Fourteenth Amendment's protection of liberty and property," and if so, then considers "the form and nature of the process that is due." *Arnett v. Myers*, 281 F.3d 552 (6th Cir. 2002). Because Plaintiffs failed to allege a deprivation of a liberty interest within the scope of the Fourteenth Amendment[17], the Court must therefore analyze the Event Zone and its attendant regulations under rational basis review. "If legislation neither burdens a fundamental constitutional right nor targets a suspect classification, it will withstand constitutional scrutiny so long as it bears a rational relationship to a legitimate government interest." *Ullmo v. Ohio Tpk.*

[17] Plaintiffs' mistake is understandable given that they were likely unaware that the City considers its homeless population to be residents and their places of abode to be residences under the Regulations.

& Infrastructure Comm'n, 126 F. Supp. 3d 910, 919 (N.D. Ohio 2015) (citation omitted). "A state action 'will be considered constitutional under rational-basis review if there is any conceivable state of facts that could provide a rational basis for it.'" *Id.* (quoting *Doe v. Mich. Dept. of State Police*, 490 F.3d 491, 502 (6th Cir. 2007)). "The federal courts must accord great deference to state legislative classifications created for legitimate social or economic purposes." *37712, Inc. v. Ohio Dep't of Liquor Control*, 113 F.3d 614, 622 (6th Cir. 1997) (applying rational basis review to a ban, for safety reasons, on certain sales).

The boundaries of the Event Zone were chosen because they are easily identifiable major streets or highways—to provide the public notice of where the boundaries are—and to encompass all the sites critical to the security and logistical requirements of hosting the RNC. Ex. 1 ¶ 42, 43, 47–49. The geographic extent of the Event Zone is rationally related to those legitimate interests. The Plaintiffs' proposed zone does not encompass these sites. See Plaintiffs' Proposed Order Granting Preliminary Injunction ("Pls.' Order") App. A. Further, Plaintiffs' proposed zone, at one point, runs directly along the section of Ontario Street that abuts the south side of the Event Complex, thus negating the purpose of having an Event Zone—to provide a secondary level of security around the Secure Zone. *Id.*; Ex. 2 ¶¶ 13, 14.

The temporary restriction on prohibited items is rationally related to the City's need to ensure public safety during the unique conditions inherent in hosting a national political convention. The City is banning those items within the Event Zone and during the Event Period only because CPD identified those items as having been used at other security events to threaten public safety. Public safety is a compelling interest, and the prohibited items restrictions are reasonably related to advancing that interest and deserve the Court's deference.

E. **Plaintiffs' Claim that the City is Impermissibly Delaying the Permitting Process is Incorrect and Moot.**

Before May 25, 2016, the City could not review Plaintiffs' permit applications, or any applications, because joint security, transportation, public safety planning was ongoing. The City also did not know which parks would be available. The City began reviewing applications promptly after the Regulations were promulgated. The City contacted Plaintiffs and other applicants that had submitted applications prior to the enactment of the Regulations and allowed those earlier applicants to resubmit applications in accordance with the Regulations without losing their priority date of application. Any delay was reasonable under the circumstances.

As of filing, Plaintiffs have received notice of their respective permit application status. The Regulations provide an appeal process that requires the Director to respond with a hearing within three days of notice of appeal. Because Plaintiffs' permit applications have been processed and because sufficient time remains for appeal, Plaintiffs' claim regarding the delay is moot. In the Sixth Circuit, "[t]he test for mootness is whether the relief sought would, if granted, make a difference to the legal interests of the parties." *Bowman v. Corr. Corp. of Am.*, 350 F.3d 537, 550 (6th Cir. 2003) (citation omitted). Here, Plaintiffs have already received their permit application decisions, and therefore, any relief that this Court grants will make no difference to the legal interests of the parties. Plaintiffs' claim regarding the alleged delay in permit approvals is therefore moot.

F. **Plaintiffs are not Entitled to Damages.**

Plaintiffs are not entitled to damages, particularly because they have not alleged that the City violated any clearly established law so as to overcome qualified immunity. In determining whether a government official is entitled to qualified immunity, the Court must determine "whether 'a constitutional right would have been violated on the facts alleged' and, if so,

whether the right was 'clearly established.'" *Occupy Nashville v. Haslam*, 769 F.3d 434, 442 (6th Cir. 2014) (quoting *Saucier v. Katz*, 533 U.S. 194, 200–01 (2001)). The Sixth Circuit has held that "a defendant will only be held liable if his or her actions were objectively unreasonable in view of clearly established law." *Robertson v. Lucas*, 753 F.3d 606, 615 n.4 (6th Cir. 2014). The City has determined that certain restrictions are necessary in order to ensure the safety of the attendees of the convention and the public. Imposing certain restrictions within a specified area is not "objectively unreasonable in view of clearly established law." *See Occupy Nashville*, 769 F.3d at 436, 445–47 (holding that no clearly established law was violated where state officials implemented a curfew for a park that had been being used for twenty-four hour demonstrations). As Plaintiffs have failed to show that the City violated any clearly established law, the City is entitled to qualified immunity, and Plaintiffs may not recover damages.

CONCLUSION

For the foregoing reasons, Plaintiffs' complaint should be dismissed in its entirety. The City's restrictions on the First Amendment are constitutionally permissible, in that they are content neutral, narrowly tailored to further a significant government interest, and provide for ample alternative avenues for communication. The size of the Event Zone and the prohibition on certain items within the Event Zone are rationally related to a legitimate government interest.

Further, Plaintiffs cannot demonstrate likelihood of success on the merits of their cliam, thus requiring denial of their request for preliminary injunction.

Respectfully submitted,

BARBARA A. LANGHENRY (0038838)
Director of Law, City of Cleveland

By: */s/ Stewart Hastings*
GARY S. SINGLETARY (0037329)
Chief Counsel
THOMAS J. KAISER (0014339)
Chief Trial Counsel
L. STEWART HASTINGS JR. (0025852)
Assistant Director of Law
City of Cleveland, Department of Law
601 Lakeside Avenue, Room 106
Cleveland, Ohio 44114-1077
Tel: (216) 664-2800 Fax: (216) 664-2663
E-mail: LSHastings@city.cleveland.oh.us
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Stewart Hastings
Counsel for Defendants

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

I, EDWARD TOMBA, hereby make the following declaration under 28 U.S.C. §1746:

1. I am a Deputy Chief for the Division of Police under the Department for Public Safety for the City of Cleveland ("City").

2. I have personal knowledge concerning the facts in this declaration.

3. I have more than 30 years' experience with the Cleveland Division of Police ("CDP") and I have been CDP's Deputy Chief for Homeland Security and Special Operations since 2008.

4. As Deputy Chief for Homeland Security and Special Operations I have been tasked with planning security for downtown Cleveland during the Republican National Convention (RNC), which will be held from July 18 to July 21, 2016.

5. Pursuant to 18 U.S.C. §3506(e) the RNC was designated a National Special Security Event ("NSSE") by the Secretary of Homeland Security on December 19, 2014, and was re-designated with corrected dates for the RNC on April 11, 2016. I have attended and observed a number of events designated as NSSE throughout the United States.

6. As an NSSE the RNC is a high profile target for international and domestic terrorists, violent demonstrations, and criminal activity. The United States Secret Service ("Secret Service") is tasked with the lead responsibility for planning, coordinating, and implementing security measures for the RNC.

7. There has been, and continues to be, extensive coordination and planning being undertaken that involves the City and Secret Service in a coordinated effort to plan for and to counter potential

threats to the RNC and the City. The City's planning for logistics and security started as soon as it was announced that Cleveland would be hosting the RNC.

8. The City's security planning has attempted to plan for every potential problem and threat while taking into account the Secret Service's NSSE responsibilities for security considerations.

9. Details of the security plan have been publicized in stages as logistical matters have been addressed and to keep sensitive information secure.

10. On May 25, 2016 the City enacted temporary regulations that will be in effect during the period of the RNC ("RNC Regulations").

11. The RNC Regulations establish and define an Event Zone, establish an official parade route, regulate park use within the Event Zone, and establish and regulate the use of an official speakers' platform provided by the City.

12. The RNC Regulations also prohibit certain identified items from being carried in the Event Zone. The list of prohibited items contained in these regulations is based on reported experiences at other NSSE events, the safety expertise and law enforcement experiences of myself and other members of the CDP and City's Department of Public Safety, and the extensive planning in preparing for the RNC we have undertaken to reasonably ensure public safety and security in the Event Zone. The prohibited item list in the RNC Regulations includes:

(a) Lumber larger than 2" in width and ¼" thick as such can be used for makeshift weapons, and illegal structures designed to increase the risk of personal harm and hinder law enforcement;

(b) Metal, plastic, and other hard material larger than ¾" thick and 1/8" in wall thickness

as these can be used for makeshift weapons and illegal structures designed to increase harm, block traffic, and hinder law enforcement;

(c) Drones and other unmanned aircraft systems as these represent a security risk, to include the capability for carrying explosives and entering restricted zones;

(d) Rope, chain, cable, strapping, wire, string, line, tape, or any similar material in lengths greater than 6' as such materials have been used for make-shift illegal structures designed to increase personal risks, block traffic, and hinder law enforcement. One example of such a structure is called a "Sleeping Dragon." where individuals have illegally tied themselves together to purposefully disrupt traffic in a way that makes it very dangerous for themselves and others and hinders law enforcement efforts to separate them without causing injury;

(e) The following items which have been identified as having been used as weapons at other NSSE events: containers of bodily fluids; umbrellas with metal tips; frangible containers used for makeshift weapons such Molotov Cocktails; locks used as makeshift weapons and projectiles; lasers used in attempting to blind officers; ladders, grappling hooks, sledgehammers, hammers, and crow-bars used as weapons, to cause property damage, and attempting to gain access to restricted areas; canned goods used as projectiles; and tennis balls used to contain and conceal explosives; and

(f) Tents, sleeping bags sacks, coolers and backpacks which are capable of concealing a bomb or other explosive device.

13. The RNC Regulations also prohibit the use of gas masks as a security measure. Gas masks have the potential for being used by individuals to thwart the use of non-lethal disbursement measures by law enforcement personnel in responding to unlawful activities. The use of gas masks by those

involved in unlawful activities could result in the need for more dangerous methods being employed by law enforcement personnel than would otherwise be necessary in attempting to control a situation.

14. The RNC will take place at the Gateway Complex, which includes Progressive Field and the Quicken Loans Arena.

15. The Gateway Complex is located on the southern edge of the City's central business district and is near some of the City's most heavily traveled streets and points of freeway ingress and egress. The southern boundary of the Gateway Complex is bordered by a cliff and the Cuyahoga River. A significant portion of Cleveland's commercial, residential, and cultural areas are located in this district.

16. The City has engaged in extensive planning for the purpose of ensuring the safe and orderly movement of vehicular and pedestrian traffic in the Event Zone and the rest of the City during the RNC.

17. There will be delegates traveling in and around the event zone. Delegates will be lodging at hotels in and around the Event Zone and will travel to and from the Event Complex on foot. Protestors, supporters, and other interested persons will have the opportunity to be within sight and sound of the delegates as they traverse to and from the event complex.

18. Working with the Secret Service, the City's security planning has taken into account the necessity for securing numerous downtown areas, as well as planning to ensure routes of travel are maintained for the safe, orderly, and reasonable movement of delegates, media, and support personnel associated with this large convention, while also planning for and reasonably allowing for peaceful

expressive activity and the ongoing transportation needs of others in the City during the period of the RNC.

19. The City has committed unprecedented police and security resources to protect and guard the convention site, the City's established parade route, and the necessary infrastructure for the City of Cleveland.

20. Numerous parade routes were considered within a security environment that included taking into account the several restricted zones that will be established by the Secret Service in fulfilling its NSSE security mandate.

21. The City's planning has necessarily taken into account the establishment by the Secret Service of restricted zones that will be located (a) around and near the Gateway Complex, (b) around and near the media's central operations location at the Huntington Convention Center of Cleveland ("Huntington Center") on Lakeside Avenue, and (c) the secure media transportation corridor ("Press Chute").

22. The Press Chute will be used on a 24-hour schedule during the period of the RNC to transport members of the media between the Huntington Center and the Gateway Complex by way of a secure shuttle route that will run on portions of East 9th Street, St. Clair Avenue, and Lakeside Avenue.

23. The City is responsible for security outside the Secret Service's restricted areas.

24. The restricted zones established by the Secret Service makes it unreasonable and impractical for security planning purposes to allow for any parade north of the Gateway Complex that travels east or west across the secure corridor.

25. Carnegie Ave. was considered as a potential parade route. Carnegie south of Progressive

Field will be closed to public travel by the Secret Service as part of the Gateway Complex restricted zone. In addition, Carnegie must be kept open and available at all times for emergency medical vehicles to allow for transportation to the Cleveland Clinic and University Hospital. University Hospital has one of only two level 1 trauma centers in Cuyahoga County.

26. Prospect Ave. was considered as a potential parade route. Significant parts of Prospect will be closed by the Secret Service to vehicular traffic. In addition, Prospect is a narrow street. Portions of Prospect in the vicinity of the Gateway Complex that will remain accessible to the public will be made even narrower by limitations on the roadway created by the restricted zone. That part of Prospect available to the public in the vicinity of the Gateway Complex can be used by individuals as a significant viewing location and as a First Amendment expression area during the period of the convention. The City's security planning anticipates that the portion of Prospect accessible by the public will be congested and crowded for these purposes during the period of the RNC.

27. Euclid Ave. was considered as a parade route. Euclid is not a viable parade route as this avenue is a major RTA transportation corridor and must be kept open and available for RTA buses and for additional access by ambulances and other emergency vehicles given the limitations being placed on other Event Zone roadways. Euclid is also designated as one of the main roadways for the City's emergency evacuation plan.

28. Superior Ave. was considered as a potential parade route. With the closing of the Lorain Carnegie Bridge to public vehicular traffic as part of the NSSE security plan, the Detroit Superior Bridge will now become one of only two main bridges connecting the City's downtown to the West

Side. While we anticipate the Main Ave. Bridge remaining open, significant portions of Lakeside Ave. will be closed as part of the restricted zone established by the Secret Service around the Huntington Center. Keeping Superior Avenue open at all times under the circumstances presented is also critical in allowing for ambulance services to be maintained across the Cuyahoga River to access Metro Health Hospital, the County's largest level 1 trauma center. Keeping Superior open at all times is essential for RTA's revised transportation plans given the Lorain Carnegie bridge closure and other roadway security considerations. The availability of Superior throughout the period of the RNC is essential for RTA's purposes throughout the Event Zone.

29. St. Clair Ave. was considered as a potential parade route. St. Clair is not available as significant parts of avenue will be closed to the public as the roadway forms part of the restricted zone established by the Secret Service as part of the designated Press Chute.

30. Lakeside Ave. was considered as a potential parade route. Lakeside is not available as the roadway will be closed in the vicinity of Huntington Center as part of the restricted zone created by the Secret Service. In addition, significant emergency assets will be staged off Lakeside Ave. for access by emergency fire and medical personnel in the event an emergency response by such safety forces in the Event Zone proves necessary.

31. East 9th Street was considered as potential parade route. East 9th Street is not available as access to E. 9th will be limited during the period of the RNC. East 9th Street will form a significant portion of the restricted zone established by the Secret Service for the media Press Chute.

32. Ontario Street was considered as a potential parade purposes. Ontario will be closed to public access where it runs proximate to the Gateway Complex, and it is anticipated that such restriction to

public access will be established in the vicinity of Ontario's intersection with Prospect Ave. Any Ontario parade route would be extremely short, provide for a very limited assembly area, and be no closer to the Gateway Complex than the City's established parade route. Use of the limited portion of Ontario as a parade route would also interfere with necessary east-west transportation by RTA and other vehicular traffic.

33. Planning for the convention has taken into account the heightened security concerns associated with the nature of an event such as the RNC, its attractiveness as a potential terrorist target, and its attractiveness for other potential criminal activity.

34. The City's parade route identified in the RNC Regulations was established to reasonably allow people to engage in their First Amendment rights while taking into account the restricted zones established by the Secret Service as part of that agency's NSSE security plans and allowing for routes and avenues necessary for supporting the City and the RNC to remain open and functional. Other suggested parade routes that go through the Event Zone have been reviewed and have been determined to severely compromise the City's efforts to provide security, and emergency services.

35. The City is committing unprecedented police resources in the Event Zone to properly guard and secure the public safety, the Gateway Complex convention site, the City's established parade route, available transportation routes, and the City's physical infrastructure. Establishing an alternative parade route and requiring the City to secure multiple parade routes would compromise public safety by dividing the City's allocated police resources and diverting police officers from the established security plan.

36. With the influx of delegates, RNC staff, worldwide media, and people wishing to be

downtown during the convention, the City's infrastructure will be tested to its limit.

37. The Official Parade Route starts on the western border of the Event Zone, and travels along the southern border of the Event Zone. The City's security planning establishes that the proposed assembly area for the Lorain County Bridge parade route is of sufficient size to accommodate the largest anticipated parade and will be closed to vehicular traffic. The Lorain Carnegie Bridge will be closed for public vehicular travel for the entire convention period and the City has planned for and established the parade route so that people wishing to assert their First Amendment rights can assemble in an area that provides them with meaningful protest opportunities while allowing the City to continue functioning.

38. The City of Cleveland has no prohibition against lawful protest during the RNC. In addition to the established parade route, protestors and other individuals expressing their views on any variety of subjects can choose to use available public locations throughout the City as a forum for lawfully voicing their protests or expressing their opinions so long as they remain lawful and do not unlawfully block vehicular or pedestrian traffic.

39. I have toured Quicken Loans Arena, and I have looked toward the proposed parade route and available public areas. Delegates who wish to view a parade while it is proceeding on the Lorain Carnegie Bridge can do so from Quicken Loans Arena windows. Delegates who wish to view public viewing areas from Quicken Loans Arena can also see those areas.

40. The size of the Event Zone as designated in the RNC Regulations was carefully chosen to meet the security needs as were analyzed by the CDP for the period of the RNC.

41. One of the main police headquarters and staging areas will be located in the Event Zone at the

old police station at 21st Street and Payne Avenue. A large area will be devoted to support the large and unprecedented police presence planned for throughout the Event Zone. The City has planned for a significant amount of activity associated with the RNC, and the City safety forces have prepared for an anticipated and significant amount of legal protest, as well as preparing for the real potential for terrorist and other unlawful and criminal activity occurring around this critical area on the eastern side of the established Event Zone.

42. Attached to the City's RNC Regulations were a number of overlay maps indicating the intended uses of various locations within the Event Zone. Very little space is wasted in the Event Zone, and it is important for ensuring continuing public safety that all of the Event Zone have the protections established in the RNC Regulations.

43. Ambulance and EMS assets will be staged throughout the Event Zone, with back-up ambulances and EMS assets being located and staged in the northeast corner of the Event Zone.

44. Truck vending will be allowed in the southeast corner of the Event Zone.

45. The Official Parade Route starts on the western border of the Event Zone, and travels along the southern border of the Event Zone.

46. The RNC is planning a welcoming event that will include entertainment programming at Voinovich Park, which is located next to Lake Erie on the northern border of the Event Zone.

47. In creating and planning the established Event Zone, it was an important consideration that the defined Event Zone have clearly recognizable borders so that people can easily identify and remember where not to bring prohibited items.

48. The Inner-belt is a clearly recognizable border for the Event Zone, and is a traditional border

associated with defining the downtown area.

49. The Event Zone could have been larger, but the City in planning for the RNC wanted to keep the area of the Zone within a reasonable size and traditional footprint.

50. No one will be denied access to the Event Zone.

51. The City has communicated that the police will not arrest, or threaten to arrest or detain, any individuals, including homeless individuals, for performing harmless and inoffensive acts such as sleeping, eating, lying, or sitting in or on public property.

52. The City retains the right, however, to enforce existing ordinances and laws and to arrest any individual for criminal activity and for conduct that is harmful to the individual or others.

53. The City's existing homeless population is known to the CDP and will be considered during the period of the RNC as being residents within the Event Zone for purposes of enforcing the City's RNC regulations. Such resident consideration will not apply to demonstrators and visitors to the City who enter the Event Zone during the effective period of the City's RNC regulations.

54. I declare under penalty of perjury that the foregoing is true and correct.

55. Executed on June 20, 2016

Edward Tomba

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CITIZENS FOR TRUMP, et al.,	)	CASE NO.: 1:16CV1465
	)	
	)	
	)	
Plaintiffs,	)	JUDGE JAMES S. GWIN
	)	
	)	MAGISTRATE JUDGE McHARGH
v.	)	
	)	
CITY OF CLEVELAND, et al.,	)	DECLARATION OF
	)	RONALD L. ROWE JR.
Defendants.	)	

I, Ronald L. Rowe Jr., do hereby declare, subject to penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. Pursuant to a request from the City of Cleveland under 6 C.F.R. § 5.41, I have been authorized to provide the information contained herein.

2. I am the 2016 Republican National Convention Coordinator for the U.S. Secret Service ("Secret Service"). In this capacity, I am responsible for working with Secret Service personnel and other federal, state, and local agencies to design and implement security measures for the 2016 Republican National Convention ("RNC"). I report directly to the Dignitary Protective Division, Office of Protective Operations, of the Secret Service in Washington, D.C.

3. I have been employed by the Secret Service as a special agent for 17 years. My previous assignments with the Secret Service include four years with the Presidential Protective Division, two years as a detailee to the National Intelligence Council as the Deputy National

Intelligence Officer and Senior Advisor for Law Enforcement to the National Intelligence Officer for Cyber Issues, two years as a detailee to the Office of Management and Budget as the Law Enforcement Advisor to the Office of the Intellectual Property Coordinator, and three years as the Legislative Assistant for Crime, Terrorism and National Security Matters in a Senate office. I have conducted numerous security advances and participated in the design and implementation of comprehensive security plans at sites visited by Secret Service protectees both within the United States and abroad. In addition, I have provided protection to current and past Presidents as well as numerous visiting foreign heads of state.

4. In August 2015, I assumed my duties as the 2016 Republican National Convention Coordinator. Since that time I have worked full time on security planning for the RNC.

The 2016 RNC

5. The RNC is scheduled to occur at the Quicken Loans Arena and Progressive Field (the "Complex") from July 18 through July 21, 2016. Although the Quicken Loans Arena is the venue for official RNC sessions, Progressive Field, which is directly adjacent to the Arena, is part of the Complex, and meetings, entertainment, and activities for delegates and other visitors are scheduled at Progressive Field throughout the RNC.

6. Media covering the RNC will be working at the Huntington Convention Center of Cleveland ("Huntington Center") at 300 Lakeside Avenue. Members of the media will be transported between the Complex and the Huntington Center via a 24-hour media shuttle. This secure shuttle requires a dedicated route of transport (the "Press Chute"), which runs down portions of East 9th Street, St. Clair Avenue, and Lakeside Avenue. The Press Chute will also be used by screened, authorized vehicles.

Statutory Jurisdiction of the Secret Service

7. Congress has charged the Secret Service with protecting the President of the United States, the Vice-President, the President-Elect, the Vice-President-Elect, and their immediate families. *See* 18 U.S.C. § 3056. The Secret Service also is responsible for protecting major Presidential and Vice-Presidential candidates and, within 120 days of the general Presidential election or as directed by the President, the spouses of these candidates. In this election cycle, the Secret Service has been providing such protection to Republican candidate Donald Trump.

8. The Secret Service also is charged with the planning, coordination, and implementation of security operations at any event that is designated as a "National Special Security Event" ("NSSE"). *See* 18 U.S.C. § 3056(e)(1). Examples of NSSEs include presidential inaugurations, the recent Papal visit to the United States, summits attended by foreign heads of state such as the Nuclear Security Summit this year, Olympic games, and presidential state funerals.

9. On December 19, 2014, the Secretary of the U.S. Department of Homeland Security designated the 2016 RNC as an NSSE. The designation was updated on April 11, 2016, to reflect an adjusted event schedule of July 17 through 21, 2016.

The Secret Service's Role in Providing Security for the RNC

10. Pursuant to the NSSE designation, the Secret Service serves as the lead federal agency to work with other federal, state, and local law enforcement and public safety organizations to design, plan, and implement security measures for the RNC. The Secret Service is responsible for protecting those in attendance at the convention including the delegates, the Republican Party

nominee and his spouse, and, until a nominee is declared during the convention, any other candidate receiving Secret Service protection, as well as some 15,000 members of the media. As stated above, Donald Trump already receives such candidate protection. Members of Congress, governors and other governmental officials also are expected to attend.

11. In protecting these designated individuals and events, the Secret Service is authorized to create certain restricted zones, and federal law explicitly prohibits persons and groups from entering a restricted area where a Secret Service protectee is or will be visiting or where a NSSE is being held. *See* 18 U.S.C. § 1752.

12. In conjunction with the RNC, the Secret Service will be establishing restricted zones around the Complex and the Huntington Center and coordinating the secure shuttle between those two locations.

13. In planning security measures for the RNC, the Secret Service is considering a wide array of potential security threats, including terrorist attacks, cyber-attacks, homegrown violent extremists, fire, environmental hazards, chemical or biological attacks, structural safety concerns, and improvised explosive devices, including both person-borne and vehicle-borne devices. The Secret Service's RNC security measures include strategies to prevent such attacks and to respond to emergencies of all types.

14. One such prevention strategy is to ensure that an adequate stand-off distance sufficient to mitigate the effects of a variety of weapons is maintained around the Complex and the Huntington Center. Accordingly, an area around each venue will be restricted to individuals and vehicles that have been subjected to security screening.

15. In an effort to allow pedestrians to approach the Complex as closely as they safely

can, there is a "pedestrian only" area near the Complex. Vehicles will be kept further away from the Complex to prevent vehicle-borne explosives from approaching. Only authorized vehicles (and law enforcement/public safety vehicles) will be allowed within the "pedestrian only" zone. Those authorized vehicles will be subjected to security screening.

16. One response strategy is to ensure that emergency vehicles have access to the Complex and the Huntington Center at all times. Accordingly, transportation lanes in and out of those venues need to be preserved for emergency responders should they be required. These lanes also serve an important function for any crowds that might gather outside the secured areas. If anyone in such a crowd outside the secured area requires emergency services, the open lanes would be used by emergency responders to reach them. Furthermore, it is critical that open lanes are preserved to facilitate evacuation of the Complex and the Huntington Center in the event of an emergency.

17. The necessity of maintaining open lanes for emergency responders, as well as the need to transport delegates, media and attendees to and from the Complex and the Huntington Center, require that certain roads immediately surrounding the Complex and the Huntington Center be closed to vehicular and pedestrian traffic. Permitting parades on these roads would raise security concerns as the presence of the public in these areas would compromise both the preservation of necessary stand-off distance and emergency ingress and egress needed to respond to potential security threats as set forth in paragraph 13 above.

18. Another prevention strategy involves prohibiting backpacks and coolers in the triangular grassy area at the intersection of Ontario and Carnegie Streets, which is directly adjacent to and in close proximity to the Complex. While this area will be open to the public, coolers and

backpacks will be prohibited as they could conceal explosives, weapons, incendiary devices, or other items or devices, which pose a special danger, given the close proximity to the Complex.

19. The result of implementing these important security strategies is that a portion of Ontario Street will be closed to pedestrian and vehicular traffic. Ontario Street is being utilized for buses transporting RNC delegates and attendees. Moreover, a portion of Ontario Street lies within the necessary stand-off distance of the Complex. Similarly, a portion of Carnegie Avenue lies within the necessary stand-off distance and will be closed to pedestrian and vehicular traffic.

20. With respect to the streets in proximity to the Huntington Center, a portion of St. Clair Avenue will be closed for security purposes. A portion of Lakeside Avenue adjacent to the Huntington Center also will be closed to pedestrian and vehicular traffic as that area lies within stand-off distance of the Huntington Center.

21. Additionally, the Press Chute must remain open for the media shuttle and authorized vehicles on a twenty-four hour basis to accommodate national and international press schedules. As a result, a portion of East 9th Street will be closed to vehicular traffic, other than the media shuttle and authorized vehicles. Vehicles traveling east and west across E. 9th Street will be able to cross at designated intersections that will be staffed by law enforcement officers.

Plaintiffs' Challenge to Parade Times

22. An approximately three-hour window is necessary to bring delegates and attendees to the RNC aboard more than 350 secured buses. The streets surrounding and directly adjacent to the Complex must remain clear during these time frames to permit the buses to travel to the designated entrances to the Complex, allow the passengers to disembark in an orderly manner and be adequately screened, allow the buses to return to the secured parking area, and permit the buses

to return to the convention Complex to pick up passengers at the end of each day's convention activities. When delegates and visitors are gathered in the Complex, it is critical for streets surrounding the Complex to remain open for emergency responders, for possible emergency evacuation, and to maintain sufficient stand-off distance to mitigate a variety of threats as set forth in paragraph 13 above.

23. The prevention and response strategies planned by the Secret Service, the Cleveland Police Department, and the City of Cleveland have been developed bearing in mind a number of interrelated factors, such as the unique site limitations of the area around the Complex and the Huntington Center, the number, width and traffic load of nearby roads, the schedule of delegate and motorcade arrivals, emergency ingress and egress to the Complex and the Huntington Center, and available space for emergency support assets, to name but a few of the requirements considered. Like a puzzle, every decision we make about a security issue depends on a variety of other decisions and these security decisions then inform yet more decisions. Accordingly, altering any one component of the plan currently in place will necessitate a series of other changes to planned use of space, resources, and/or access.

I declare that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 20th day of June 2016.

Ronald L. Rowe Jr., Assistant Special Agent in Charge,
Dignitary Protective Division

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

I, EDWARD J. ECKART JR., hereby make the following declaration under 28 U.S.C. §1746:

1. I am an Assistant Director in the Department of Public Safety for the City of Cleveland (Cleveland). I have been in my current position since November 2011. Prior to my current position I served as the Commissioner for the City of Cleveland Emergency Medical Service from January of 2000 through November 2011. Prior to that, I held positions within the City of Cleveland government of increasing responsibility and authority beginning in March 1981.

2. My current responsibilities include the administrative oversight of the Divisions of Fire and Emergency Medical Service. I also have the responsibility to oversee the $50 million grant awarded to the City of Cleveland from the Department of Justice/Bureau of Justice Affairs for hosting the 2016 Republican National Convention, including compliance to Executive Order 13688 – Federal Support for Local Law Enforcement Equipment Acquisition.

3. I have been tasked by the Director of Public Safety with overseeing, the safety and security planning, preparedness and operational plan implementation for the 2016 Republican National Convention for the City of Cleveland Department of Public Safety.

4. The RNC is located at the Gateway Complex which includes Progressive Field and the Quicken Loans Arena.

5. The Gateway Complex is in the central business district of Cleveland where a significant portion of Cleveland's commercial, residential, and cultural areas are located.

6. The Gateway Complex is located on the edge of the central business district, and one side of

it is bordered by a cliff and the Cuyahoga River.

7. Some of the city's most heavily traveled streets and points of freeway ingress and egress are in the area surrounding Quicken Loans Arena and the Gateway Complex.

8. We have engaged in extensive planning to facilitate safe and orderly movement of vehicular and pedestrian traffic during the RNC. A significant aspect of this planning includes the need for public safety emergency vehicle access, ingress and egress for emergencies associated with the convention, as well as, emergencies occurring in the neighborhoods in the City of Cleveland.

9. The RNC has been designated a National Special Security Event (NSSE) by the Secretary of Homeland Security on December 19, 2014, and re-designated it with corrected dates on April 11, 2016.

10. Governor Kasich has declared a state of emergency in the City of Cleveland during the week of the RNC in a proclamation dated April 5, 2016.

11. Under 18 U.S.C. §3506(e) when an event has been declared an NSSE event the United States Secret Service (Secret Service) creates a security plan (Security Plan), and establishes a hard security zone.

12. The RNC is a high profile target for international and domestic terrorists.

13. There has been, and continues to be extensive planning to counter known and unknown threats to the RNC.

14. Security at national political conventions is of paramount importance to the security and safety of the convention process.

15. Premature disclosure of our security plans and zones allows those who wish to do evil more

time to plan, and increases the risk that their plans may become successful.

16. At previous conventions and NSSE events criminals used ordinary items such as canned goods, tennis balls, and slingshots to attack delegates, police officers, and other innocent people.

17. For example, at the 2000 Democratic National Convention in Los Angeles criminal demonstrators used slingshots to pelt delegates with ball bearings.

18. All items on our prohibited items list have been known to be used by criminals at NSSE events to cause injury.

19. Lumber larger than 2" in width and ¼" thick has been used for makeshift weapons, and illegal structures designed to increase the risk of personnel harm.

20. Metal, plastic, and other hard material larger than ¾" thick and 1/8" in wall thickness has also been used for makeshift weapons and illegal structures designed to increase harm.

21. Drones and other unmanned aircraft systems represent a security risk.

22. Containers of bodily fluids represent a health risk and have been used as a weapon at other NSSE events.

23. Umbrellas with metal tips have been used as weapons at NSSE events.

24. Rope, chain, cable, strapping, wire, string, line, tape, or any similar material in lengths greater than 6' has been used for make shift illegal structures designed to increase personnel risk. An example of such a structure is a "Sleeping Dragon" where protestors illegally tie themselves together to purposefully disrupt traffic in a way that makes it very dangerous for themselves and others. Cats Cradle can be played with a string shorter than 6'.

25. Glass bottles, ornaments, light bulbs, ceramic vessels, and any other frangible container have been used at other NSSE events for makeshift weapons such as Molotov Cocktails.

26. Locks have been used at other NSSE event as makeshift weapons and projectiles. Our prohibition does not include a lock that is an integral component of a conveyance or structure, locks when utilized by the owner of private real property to secure fencing, or locks attached to a bicycle.

27. Tents, sleeping bags sacks, coolers and backpacks are all capable of concealing a bomb or other explosive device. During this event there will be a lot of people in the Event Zone. This makes them a tempting target for those wishing to conceal a bomb.

28. Lasers have been used in attempt to blind officers at NSSE events.

29. Ladders, grappling hooks, sledgehammers, hammers, and crowbars have been used as makeshift weapons at NSSE events.

30. Canned goods have frequently been used as projectile weapons at NSSE events.

31. Tennis balls have recently been used to conceal explosives at an NSSE event. Coupled with a tennis racket, a tennis ball with explosive inside is a very dangerous projectile weapon.

32. In addition to other planning we have engaged in extensive planning for a possible parade route.

33. The planning for logistics and security started as soon as the RNC was announced for Cleveland.

34. We have to secure numerous downtown areas, as well as plan for the proper movement of delegates, media and support for this large convention.

35. We have committed unprecedented police and security resources to properly guard the

convention, our proposed parade route, and the necessary infrastructure for the City of Cleveland, while ensuring the neighborhoods in the City of Cleveland receive the same level of public safety response resources as they do every day.

36. Numerous parade routes were considered, but each route that traveled north of the event complex created logistical impossibilities.

37. Common to all of these routes will be the anticipated secure media shuttle corridor connecting the Cleveland Convention Center to the Gateway Complex. The secure corridor would make it impracticable for any parade north of the Gateway Complex to travel east or west across the secure corridor.

38. Carnegie Ave. was considered, but Carnegie South of Progressive Field will be closed by the Secret Service. In addition, Carnegie must be kept open at all times for access by ambulances to the Cleveland Clinic and University Hospital. University Hospital has one of only two level 1 trauma centers in Cuyahoga County. The Division of EMS transports approximately 30,000 ill and injured citizens and visitors to these two facilities annually. Of the 30,000 transports, approximately 4,000 are critical-life threatening transports where every second makes a difference between life and death. The annual volume results in an average of 80 transports a day to those two institutions, making a clear and unobstructed passage imperative to maintaining ambulance availability to the neighborhoods in Cleveland. In the event of an incident in the Event Complex that requires EMS to move larger numbers, the protection of this and other ambulance routes must be preserved.

39. Prospect Ave. was considered, but significant parts of Prospect will be closed by the Secret Service to vehicular traffic. In addition, Prospect is a narrow street, with other portions made even

narrower by the RNC security plan. It can be used as a significant viewing area for the convention creating anticipated crowding.

40. Euclid Ave. was considered, but Euclid must be kept open for RTA busses and as additional access by ambulances and other emergency vehicles. The Euclid Avenue corridor is one of the main travel pathways for EMS ambulances, especially for pediatric patients requiring transportation to Rainbow Babies and Children's Hospital. Cleveland EMS transports approximately 2,100 ill and injured children to that facility annually. Of the 2,100 transports, approximately 400 are critical life threatening transports where every second makes a difference between life and death. Any obstruction of this pathway would greatly impact travel time to the hospital, resulting in a detriment to our patients and decreasing ambulance availability through our neighborhoods in Cleveland.

41. Superior Ave. was considered, but with the closing of the Lorain Carnegie Bridge, the Detroit Superior Bridge will now become one of only two main routes connecting downtown to the West Side. Keeping Superior open is also critical for ambulance service across the Cuyahoga River to access Metro Health Hospital, the County's largest level 1 trauma center. Cleveland EMS transports approximately 21,000 ill and injured patients to MetroHealth annually (the single highest transport destination for EMS). Of the 21,000 transports, approximately 6,000 are critical life threatening transports where every second makes a difference between life and death. Any obstruction of the travel pathway to MetroHealth will have a significant impact on patient outcome, as well as, ambulance availability throughout the neighborhoods in the City of Cleveland. Keeping Superior open at all times is also essential for RTA's revised plans after the Lorain Carnegie bridge closures. For RTA's purposes Superior is essential throughout the Event Zone.

42. St. Clair Ave. was considered, but significant parts of St. Clair will be traversed by the secure media corridor, and significant portions will be closed.

43. Lakeside Ave. was considered, but the area around the Cleveland Convention Center will likely be closed as part of the security plan. In addition significant emergency assets will be staged off Lakeside Ave. in the event that they are necessary for emergency fire and medical personnel to access the Event Zone.

44. Ontario Street was considered, but Ontario will be closed near progressive Field and Quicken Loans Arena to Prospect Ave. The resulting parade route would be extremely short, no nearer to the Gateway Complex, and interfere with necessary East West transportation by RTA and vehicular traffic.

45. Everything about this convention has heightened security concerns given the nature of the convention, its attractiveness as a terrorist target, and its attractiveness for criminal activity.

46. To help prepare for the worst eventuality, Cleveland has contracted for additional ambulances and EMS assets. Many of these assets will be staged near the north-east corner of the Event Zone. Protection of this zone by the special regulations applicable during the RNC is critical.

47. We are trying to plan for every potential problem and threat.

48. Our proposed parade route allows people to engage in their First Amendment rights while the necessary avenues for supporting our city and the RNC can still function. Any other parade route that goes through the Event Zone will severely compromise our efforts to provide security, emergency services, and allow the logistics needed for the RNC.

49. We are committing unprecedented police resources to properly guard the convention, our proposed parade route, and the necessary infrastructure for the City of Cleveland. Forcing us to divide our police resources to properly secure another parade route will divert police officers from our security plan.

50. Our proposed assembly area for the parade route is large enough the largest anticipated parade. The Lorain Carnegie Bridge will be closed for the entire convention. We have planned the proposed parade route so that people wishing to assert their First Amendment rights can assemble in an area that both provides them with meaningful protest opportunities while allowing the city itself to continue functioning. With the influx of delegates, RNC staff, worldwide media, and people wishing to be downtown during the convention, the City's infrastructure will be tested to its limit.

51. Cleveland has no prohibition against protesting during the RNC. In addition to the parade route, protestors may choose their own public location to voice their protests so long as they do not block traffic.

52. I have toured Quicken Loans Arena, and looked toward the proposed parade route and public areas. Delegates who wish to view the parade can easily do so from the windows of Quicken Loans Arena. Delegates who wish to view public viewing areas from Quicken Loans arena can also see those areas.

53. I declare under penalty of perjury that the foregoing is true and correct.

54. Executed on June 16, 2016

Edward J. Eckart Jr.

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

I, Joel B. Freilich, hereby make the following declaration under 28 U.S.C. §1746:

1. I am director of Service Management for the Greater Cleveland Regional Transit Authority ("RTA").

2. RTA is a political subdivision of the State of Ohio and a regional transit authority organized under Ohio Revised Code Chapter 306. It serves as the public transit agency for Cuyahoga County, Ohio.

3. I have 36 years of experience in transportation planning.

4. I have personal knowledge concerning the facts in this declaration.

5. I have been tasked with managing the planning of public transportation service during the Republican National Convention ("RNC") in Cleveland, Ohio in July 2016.

6. RTA is aware of plans to close some roads in downtown Cleveland during the RNC. We anticipate a significant increase in traffic congestion throughout downtown Cleveland during the RNC because an increase in travel demand will be created by the RNC and ancillary activities, while the closure of roads for security reasons will reduce the total road capacity available to serve the existing and added travel demand. In addition, we anticipate increased ridership on RTA's system due to the anticipated traffic congestion and shortage of parking, as well as the influx of people visiting Cleveland for the RNC.

7. RTA's mission is to provide safe, reliable service. The majority of our customers are traveling to and from work and many are employed in the hospitality and health care industries. If RTA service is not reliable, RTA customers arrive at work late, and some of those who arrive late are

fired from their jobs. If RTA customers arrive at work late, there is an impact on their employers' ability to deliver their services. For example, at health care facilities in Cuyahoga County, including several large ones near downtown Cleveland, the quality of care delivered to patients directly depends on the tasks executed by RTA customers during their work shifts.

8. My staff and I have engaged in extensive planning to maximize the likelihood that RTA can continue to provide reliable service to our customers despite the anticipated increase in traffic congestion. An established fact regarding traffic congestion is that closure of any arterial street in a network increases delays on other arterial streets in that network. On behalf of its customers, RTA therefore discourages closures of arterial streets.

9. Keeping Superior Ave. open to buses is essential for the orderly flow of RTA traffic across the Cleveland area. Superior Ave. will be the main linkage between the east side bus service and the west side bus service during the RNC. The most critical segment of Superior Avenue for public transportation is the segment stretching from West 25th Street to East 30th Street. RTA needs Superior Ave. to remain open because the surrounding streets do not have sufficient reserve capacity to handle vehicles that would be diverted from Superior Ave. if it were closed.

10. A heavily used transit route travels on Euclid Ave.: the HealthLine. We think it is critical to keep Euclid Avenue available for public transportation service during the RNC. The only street that runs parallel to Euclid Ave. through downtown Cleveland is Prospect Ave., which does not have sufficient reserve capacity to handle vehicles that would be diverted from Euclid Ave. if it were closed.

11. I declare under penalty of perjury that the foregoing is true and correct.

12. Executed on June 17, 2016.

Joel B. Freilich
Director of Service Management
Greater Cleveland Regional Transit Authority

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

I, Danielle P. Graham, hereby make the following declaration under 28 U.S.C. §1746:

1. I am Assistant Commissioner of the Division of Assessments and Licenses, Department of Finance for the City of Cleveland. I have held this position since 2008.

2. My duties include overseeing and managing the administration of the division which includes the application processes for various licenses and permits throughout the City of Cleveland.

3. We work closely with other departments and agencies to ensure traffic flow and safety in the licensing and permitting processes for the City of Cleveland.

4. I have personal knowledge concerning the facts in this declaration.

5. I have been tasked with overseeing the application and permitting process for Official Parade Route, Official Speaker's Platform and Park Use during the Republican National Convention (RNC) in 2016.

6. We have engaged in extensive planning to facilitate the application and permitting process.

7. Permits are required for the Official Parade Route, and installing public art or other public installation in Willard Park or Perk Plaza. Persons may register for use of the Official Speaker's Platform. Permits are not required to access any public park that is open to the public.

8. Permits are not required for First Amendment activity on public sidewalks.

9. Permits are not required for the public to access areas around the convention not

restricted by the United States Secret Service and Cleveland's Department of Public Safety.

10. We anticipate an unprecedented number of visitors from the RNC, media, and others wishing to participate in the activities surrounding the RNC.

11. On July 16, 2014 Cleveland City Council passed Ordinance No. 880-14 (section 11) authorizing the promulgation of regulations approved by Cleveland's Board of Control for the issuance of "public gathering permits, demonstration permits, temporary use permits, parade permits, and business access and operations permits during the a (sic) period starting one month before the first day of the Convention…" A copy of the ordinance is attached as Exhibit 6.

12. On May 25, 2016 Cleveland's Board of Control approved regulations applicable to the RNC which established among other things, the Official Parade Route, the Speaker's Platform, and providing for public art and public installations in two city parks. A copy of those regulations is attached as Exhibit 7.

13. Under the regulations we began accepting applications for permits on May 31, 2016.

14. Prior to the Board of Control regulations we had received a few inquiries and applications concerning parades and permitting during the RNC.

15. All inquiries and applications were assigned a number in the order in which we received them.

16. After the Board of Control Regulations were passed, we contacted all those who made inquiries and applications and requested that they submit an application on the new application form.

17. These applications were assigned their original number and no person or organization

was penalized by submitting their application early.

18. After May 31, 2016 our division began processing the applications.

19. A number of applicants tried to insist on filing applications that did not conform to the regulations.

20. Permits are being issued by my division.

21. On June 13, 2016 we issued 24 permits.

22. On June 14, 2016 we issued 18 permits.

23. On June 16, 2016 we issued 9 permits.

24. We will continue to process permits for parades on the Official Parade Route, and Park Use as well as registrations for the Speaker's Platform as they come in.

25. On or about March 16, 2016 we received an application from Ms. Dothey and Mr. Bresler from Organize Ohio. We acknowledged this application on March 16, 2016 and April 25, 2016. A copy of the application and our E-mail exchange is attached as Exhibit 8.

26. On or about April 25, 2016 we received an application for a parade permit from Tim Selaty, Sr. representing Citizens for Trump for an event to be called "Our Votes Matter Rally & March." We acknowledged this application on April 25, 2016 and April 26, 2016. A copy of the application and our E-mail exchange is attached as Exhibit 9.

27. On May 31, 2016 I followed up with both organizations, and asked them to resubmit their requests on the new permit application form.

28. On June 1, 2016 Mr. Bresler submitted an application asking for a parade route other than the Official Parade Route. A copy of this is attached as Exhibit 10.

29. On June 1, 2016 Mr. Selaty, Sr. submitted an application for an Official Parade Route and a rally in a public park for the installation of a stage and sound system. This application was submitted under the name America First Movement and the rally was to be called "America First Unity Rally." A copy of this is attached as Exhibit 11.

30. A permit for the Official Parade Route was issued to Mr. Selaty, Sr. on June 16, 2016. A copy of this is attached as Exhibit 12.

31. Mr. Bresler's application for a parade route other than the Official Parade Route was denied on June 20, 2016. A copy of this is attached as Exhibit 13.

32. Mr. Selaty, Sr.'s request for a public park to hold a rally, erect a stage, and install a sound system was denied on June 20, 2016. A copy of this is attached as Exhibit 14.

33. I declare under penalty of perjury that the foregoing is true and correct.

34. Executed on June 20, 2016

Danielle P. Graham

Danielle P. Graham

coach at Collinwood High School, leading his teams to nine Girls State Track Championships; and

Whereas, Louis Slapnik is the only Division I coach in the State of Ohio to win five straight team championships and he has earned a place as a coach in the Ohio High School Athletic Association Hall of Fame; and

Whereas, Mr. Slapnik has been a true leader in the Collinwood community as teacher, coach and mentor to so many; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the track at Collinwood Athletic Complex be and is hereafter designated as the "Louis Slapnik Track".

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 16, 2014.

Effective July 21, 2014.

Ord. No. 867-14.

By Council Member Polensek.

An emergency ordinance authorizing the Director of the City Planning Commission to enter into agreement with the Northeast Shores Development Corporation for the East 185th Street Planning Study through the use of Ward 8 Casino Revenue Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Planning Commission is hereby authorized to enter into an agreement with the Northeast Shores Development Corporation for the East 185th Street Planning Study for the public purpose developing a comprehensive plan to reconstruct existing streetscape and to develop a land use plan for the East 185th Street corridor area in the city of Cleveland through the use of Ward 8 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed $10,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 16, 2014.

Effective July 21, 2014.

Ord. No. 880-14.

By Mayor Jackson and Council Member Kelley.

An emergency ordinance authorizing the Mayor to enter into agreement with the Cleveland 2016 Host Committee, Inc. to hold the 2016 Republican National Convention in Cleveland and authorizing various directors to accept grants and gifts, issue permits, enter into contract, and perform various tasks necessary to support the Convention in Cleveland in 2016.

Whereas, the City of Cleveland ("City") has been selected to hold the 2016 Republican National Convention (the "Convention"); and

Whereas, the Convention will attract thousands of delegates, visitors and news media to the City and showcase the City on a national and world stage; and

Whereas, the Cleveland 2016 Host Committee, Inc. (the "Host Committee") desires to secure and the City desires to provide certain facilities and services and to undertake certain obligations related to conducting the Convention in Cleveland; and

Whereas, the City recognizes the compelling need for security and other essential City services during the Convention to provide a safe, secure, clean and positive environment for those attending the convention and other visitors to Cleveland during the event; and

Whereas, the City supports and endorses the efforts of the Host Committee, its partners and regional officials to promote the local economy, encourage commerce and economic development and promote the positive achievements in our community; and

Whereas, this Council supported the efforts of Mayor Jackson and the Host Committee to bring the Convention to Cleveland through the unanimous adoption of Resolution No. 281-14, adopted on February 24, 2014; and

Whereas, the Convention provides an opportunity for Cleveland to establish partnerships and regional collaboration benefiting our City and the region into the future, and will generate millions of dollars of economic impact for the City and the surrounding region; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in that the timely authorization and signing of the necessary agreements and commitments to support the Convention are required to accomplish the City's goal of bringing the 2016 Republican National Convention to Cleveland; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, notwithstanding any Code provision or ordinance to the contrary, the Mayor is authorized to enter into one or more agreements with the Host Committee to hold the Convention in Cleveland, which shall include the following provisions:

(a) That City-owned facilities, including Public Hall, the public areas of City Hall, Browns Stadium, Voinovich Park, Malls A, B & C, the City-owned lakefront parking lots, Public Square, and the North Coast Marina, may be made available to the Host Committee as needed as a venue for Convention-related activities, as an in-kind contribution on terms acceptable to the Director of Public Works or such other director having management responsibility for the facility;

(b) That the Gateway East Parking Garage may be temporarily closed and converted to a media work space at the cost of the Host Committee and Willard Park Garage may be made available for the parking of vehicles as part of the Convention, including a payment to the City in the projected amount of lost parking revenue during the period that the garage is closed or a fee for the parking of vehicles as determined by the Director of Finance based on past parking revenue figures and the requirements of the City's parking facilities bonds;

(c) That the City will expedite the review and approval process for all licenses, permits, approvals, reviews, variances and inspections required by the laws of the City as needed for the Convention and related activities;

(d) That the City will provide all security, traffic control and related protective services as required by the Convention security and traffic control plan authorized by Section 2 of this ordinance and as determined by the Director of Public Safety;

(e) That the City will coordinate with the Host Committee on the implementation of a comprehensive technology and telecommunications services plan for the Convention and provide access as determined appropriate by the Directors of Public Safety and Finance, as applicable to the duties of their respective departments;

(f) That, notwithstanding any Code provision or ordinance to the contrary, the City may issue the necessary permits required for the hanging or display of banners and other signage related to the Convention on City rights-of-way and City-owned property and to expedite the review and permit approval process for a comprehensive general signage plan for the temporary display of signage in support of the Convention within the Central Business District and the major routes into the City, in accordance with a plan proposed by the Host Committee and approved by the Director of Capital Projects;

(g) That the City will coordinate with the Host Committee the making of any public improvements likely to impact the Convention and further agrees to negotiate completion guarantees on City construction projects to insure completion prior to the start of the Convention;

(h) That, in support of the economic development and promotion opportunities for Cleveland associated with the Convention, the City agrees to contribute an amount not to exceed $2,500,000 to the Host Committee at such time and on such terms as are acceptable to the Director of Economic Development;

(i) That the Host Committee agrees to secure all necessary permits and consents and pay the City's standard permitting fees as required for the Convention and related activities;

(j) That the Host Committee agrees to reimburse the City for reasonable, anticipated costs unrelated to the provision of the City's standard municipal services and not covered by grants, gifts or other sources of funds accepted under this ordinance; and

(k) That the City will work in partnership with the Host Committee in

all of its activities related to the Convention, including the regulation of Convention related services to insure consistency in treatment and cost.

Section 2. That, notwithstanding any Code provision or ordinance to the contrary, the Director of Public Safety is authorized to develop and implement a Convention security and traffic control plan in consultation with federal, state and other local law enforcement agencies and consistent with national security requirements, including the designation of one or more security zones related to the Convention and development and implementation of a traffic plan that involves the closing of streets and rerouting of traffic to accommodate the increased traffic, buses and vehicles related to the convention. The Director is further authorized to enter into agreements with federal, state and other local law enforcement agencies as needed to implement the plan.

Section 3. That the Director of Public Safety is authorized to apply for and accept a National Special Security Events (NSSE) grant or grants and grants from other federal, state and local granting agencies for the purpose of developing and implementing the security and traffic control plan for the Convention. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the Director, they shall be appropriated for the purposes set forth in grant agreement.

Section 4. That the Directors of Public Works, Public Safety, Capital Projects, and Finance, as applicable to the duties of their respective departments, are authorized to employ by contract or contracts one or more consultants or other professionals or one or more firms of consultants or other professionals, including insurance consultants, necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare for and hold the Convention. The selection of the professional consultants shall be made by the Board of Control on the nomination of the appropriate director.

Section 5. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing improvements in the rights-of-ways and on public property in the City necessary to prepare for and hold the Convention, for the Departments of Public Works, Public Safety and Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 6. That the Directors of Public Works, Public Safety, and Capital Projects, as applicable to the duties of their respective departments, are authorized to enter into one or more contracts for the making of the public improvements authorized by Section 5 of this ordinance with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 7. That the Directors of Public Works, Public Safety, Capital Projects, and Finance, as applicable to the duties of their respective departments, are authorized to make one or more written standard contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the appropriate director, for the purchase or rental of the necessary items of materials, equipment, supplies, and services, including insurance policies, necessary to prepare for and host the Convention, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the appropriate department. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 8. That the costs of any requirement contract authorized by Section 7 of this ordinance shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase or procurement, which purchase or procurement, together with all later purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 9. That under Section 108(b) of the Charter, any purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Directors of Public Works, Public Safety, and Capital Projects, as applicable to the duties of their respective departments, may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 10. That the Directors of Public Works, Public Safety, and Capital Projects, as applicable to the duties of their respective departments, are authorized to apply and pay for permits, licenses, or other authorizations and fees required by any regulating entity or other public authority to implement this ordinance, including those relating to construction of any improvements.

Section 11. That, notwithstanding any Code provision or ordinance to the contrary, the Public Works, Public Safety, and Capital Projects, as applicable to the duties of their respective departments, are authorized to issue public gathering permits, demonstration permits, temporary use permits, parade permits, and business access and operations permits during the a period starting one month before the first day of the Convention until one week after the completion of the Convention, subject to reasonable time, place, and manner regulations promulgated by the appropriate director and approved by the Board of Control, to use the rights-of-way and public property, to allow appropriate access and operation of affected businesses and/or to protect public safety, persons, property, and to accommodate the interests of persons participating in the gathering and persons not participating in the gathering, all in accordance with the security plan promulgated under Section 3 of this ordinance. The permits issued under this section may exclude public assemblies in certain areas defined in the regulations and as required in the Convention security and traffic control plan and prohibit materials and objects defined in the regulations in certain areas as defined in the regulations.

Section 12. That, notwithstanding any Code provisions or ordinances to the contrary, the various City directors are authorized to develop and implement policies and practices for consolidating applications for and expediting review and issuance of City licenses, permits, approvals, reviews and inspections as required by the laws of the City as need for the Convention and related activities and to issue a comprehensive convention permit that incorporates various City permits for the Convention, including review and approval of a comprehensive signage plan in the Central Business District and the major routes into the City as proposed by the Host Committee, in a form acceptable to the Director of Law.

Section 13. That the Directors of Public Works, Public Safety, Capital Projects, and Finance as applicable to the duties of their respective departments, are authorized to apply for and accept any gifts or grants from public or private entities for the purpose of effectuating this ordinance. The appropriate director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the appropriate director, they shall be appropriated for the purposes set forth in this ordinance.

Section 14. That the Directors of Public Works, Public Safety, and Capital Projects, as applicable to the duties of their respective departments, are authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance and as needed to accommodate the Convention.

Section 15. That, notwithstanding any Code provisions or ordinances to the contrary, the Director of Port Control is authorized to enter into one or more agreements with the Host Committee for the use of airport and lakefront property under the Director's management, including the Burke Lakefront Airport parking areas, as needed for Convention related activities on terms acceptable to the Director.

Section 16. That the Director of Public Utilities is authorized to enter into one or more agreements with the Host Committee to provide utility services to the Convention and related activities in accordance with the standard terms and conditions of the City's utilities.

Section 17. That the Directors of Public Works, Public Safety, and Capital Projects, as applicable to the duties of their respective departments, are authorized to enter into one or more contracts with the federal government, the State of Ohio, the Greater Cleveland Regional Transit Authority, Cuyahoga County, the Gateway Development Corporation,

the Cleveland-Cuyahoga County Port Authority, Cavaliers Operating Company, LLC, Cleveland Indians Baseball Company Limited Partnership, and any other entity involved in the Convention process as needed to effectuate the purposes of this ordinance.

Section 18. That all agreements authorized by this ordinance shall be approved by the Director of Law and contain such terms and conditions as necessary to protect the public interest consistent with the purposes of this ordinance.

Section 19. That the cost of any expenditure incurred under this ordinance, including all contracts, shall be paid from Fund No.10 SF 963, from the fund or funds to which are credited any grant funds or gifts received under this ordinance, from the fund or funds to which are credited the proceeds of any existing or future bond issue that includes these purposes, and from any other funds that are appropriated for this purpose as determined by the Director of Finance.

Section 20. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 16, 2014.

Effective July 16, 2014.

Ord. No. 882-14.

By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Public Health to enter into an agreement with Case Western Reserve University School of Medicine for the Lung Cancer Screening and Prevention Program through the use of Ward 2 Neighborhood Capital Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Public Health is authorized to enter into an agreement with the Case Western Reserve University School of Medicine for the Lung Cancer Screening and Prevention Program for the public purpose of providing health screenings for the prevention of lung cancer for city of Cleveland residents through the use of Ward 2 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed $10,000 and shall be paid from Fund No. 10 SF 177.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 16, 2014.

Effective July 21, 2014.

Ord. No. 893-14.

By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. CT 9501 – LA 2011-66 with West 25th Street Lofts, LLC, or its designee, to change certain repayment terms of the loan.

Whereas, under Ordinance No. 940-11, passed July 20, 2011, this Council authorized the Director of Economic Development to enter into Contract No. CT 9501 – LA 2011-66 with West 25th Street Lofts, LLC, or its designee ("West 25th Street Lofts"), to provide economic development assistance to partially finance the soft costs and the acquisition of real property located at 1480 and 1526 West 25th Street; and

Whereas, the City and West 25th Street Lofts wish to change certain repayment terms of the loan; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. CT 9501 – LA 2011-66 and any collateral documents with West 25th Street Lofts to change certain repayment terms of the loan, which are identified in File No. 893-14-A.

Section 2. That the amendment and all related documents will be prepared by the Director of Law.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 16, 2014.

Effective July 21, 2014.

Ord. No. 894-14.

By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Coach Sam's Inner Circle Foundation for the Aiming Higher After-school Program through the use of Ward 2 Casino Revenue Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of the Department of Community Development is authorized to enter into agreement with Coach Sam's Inner Circle Foundation for the Aiming Higher After-school Program for the public purpose of providing after-school education and health fitness activities for at-risk youth residing in the city of Cleveland through the use of Ward 2 casino revenue funds.

Section 2. That the cost of said contract shall be in an amount not to exceed $20,000 and shall be paid from Fund No. 10 SF 188.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 16, 2014.

Effective July 21, 2014.

COUNCIL COMMITTEE MEETINGS

NO MEETINGS

Index

O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Agreements

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

BE IT RESOLVED by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 880-14, passed by the Cleveland City Council July 16, 2014, the following rules and regulations promulgated by the Directors of Public Safety and Public Works for issuance of parade and park use permits, the use of the official speakers platform, and identification of prohibited items and obstruction objects in connection with the 2016 Republican National Convention ("RNC" or "Convention"), which are hereby determined to promote and protect the general safety and welfare of the residents of and visitors to the City during the Convention while also allowing persons and organizations to exercise their First Amendment rights to peacefully assemble and parade, are approved:

WHEREAS, the City of Cleveland has been selected to host the 2016 Republican National Convention which is scheduled to take place from July 18, 2016 to July 21, 2016; and

WHEREAS, the Convention is expected to attract approximately 50,000 visitors to the City; and

WHEREAS, the size and significance of the Convention creates unique challenges for the City that require additional regulations to assist in promoting and protecting the general health, safety, and welfare of the residents and visitors of the City during the Convention; and

WHEREAS, persons and groups have a First Amendment right to organize and participate in peaceful assemblies and parades on the sidewalks and rights-of-way and in the parks of the City, and to engage in peaceful assemblies and parades near the Convention so they may be seen and heard, subject to reasonable restrictions designed to protect public safety, persons and property, and to accommodate the interest of persons not participating in the assemblies and parades to use the sidewalks and rights-of-way to travel to their intended destinations and use the parks for recreational purposes; and

WHEREAS, the City recognizes the compelling need to facilitate safe and orderly movement of vehicular and pedestrian traffic during the Convention; and

WHEREAS, under Ordinance No. 880-14, passed July 16, 2014, the Board of Control is authorized to approve reasonable time, place and manner regulations promulgated by the appropriate director regarding the issuance of public gathering permits, demonstration permits, temporary use permits, parade permits, and business access and operations permits during the period starting one month before the first day of the Convention until one week after the completion of the Convention; and

WHEREAS, the Board of Control has determined that the following regulations, including but not limited to, time, place, and manner restrictions, promulgated by the Directors of Public Safety and Public Works will promote and protect the general safety and welfare of the residents of and visitors to of the City during the Convention while also allowing persons and organizations to exercise their First Amendment rights to peacefully assemble and parade;

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

NOW, THEREFORE,

TEMPORARY PARADE AND PARK PERMITS, SPEAKERS PLATFORM AND USE REGULATIONS

Section I. General Provisions

(a) *Incorporation.* The recitals set forth above are hereby incorporated as if fully set forth herein.

(b) *Purpose.* These Regulations are intended to provide guidance for the issuance of permits for and use of City streets and public property during the 2016 Republican National Convention, to both ensure the efficient processing of all conforming applications for permits, and to protect the public interest and safety.

(c) *General Requirement.* Permits for the use of public streets and public property during the 2016 Republican National Convention may be granted only in accordance with these Regulations.

(d) *Effective Date.* These regulations shall go into effect immediately, and terminate at 12:01 a.m. Eastern Daylight Time on July 24, 2016. In the event that the 2016 Republican National Convention is delayed, the effectiveness of these regulations shall automatically extend to 12:01 a.m. Eastern Daylight Time on the day after the conclusion of the Convention or on July 25, 2016, whichever date is later.

Section II. Parade and Park Use Permits and Speakers Platform Use During the Convention Period

(a) *Definitions.* As used in this section:

(1) "Camping" means to set up or to remain on Public Grounds for the purpose of establishing or maintaining a temporary place to live;

(2) "Chief" means the Chief of Police or the Chief's designee;

(3) "City" means the City of Cleveland, Ohio;

(4) "Codified Ordinances" mean the Codified Ordinances of Cleveland, Ohio, 1976;

(5) "Convention" means the 2016 Presidential Nomination Convention of the Republican National Party scheduled to be held on July 18, 2016 through July 21, 2016;

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(6) "Convention Period" means the time period commencing at 6:00 a.m. on Monday, July 18, 2016 and extending until 12:01 a.m. on Saturday, July 23, 2016;

(7) "Crosswalk" means:

A. That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

B. Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

C. Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where local authorities have placed signs indicating no crossing;

(8) "Director" shall mean the Director of Public Safety or the Director's designee;

(9) "Event Zone" shall mean the portion of the City within the boundaries on the map attached hereto, excluding spaces designated as the Secure Zone;

(10) "Official Parade Route" means a route commencing on the Lorain Carnegie Bridge at a point 500 feet east of the intersection with West 20th Street, proceeding in a northeasterly direction on the Lorain Carnegie Bridge to the intersection with Ontario Avenue, turning right and proceeding on Ontario Avenue in an easterly direction and ending at the intersection of Orange Avenue and East 9th Street. Parade participants may egress on the sidewalk out of the Official Parade Route on either East 9th Street or East 14th Street;

(11) "Official Speakers Platform" means the speakers area designated by the City on Public Square in front of the statue of Moses Cleaveland;

(12) "Parade" means any formation, march, procession of any kind, or motorcade consisting of persons, animals, or Vehicles or combination thereof traveling in unison for a common purpose upon the streets, excluding sidewalks, within the City that interferes with the normal flow or regulation of vehicular or pedestrian traffic upon the streets within the City;

(13) "Park Use" means the use of Public Grounds for Public Art or a Public Installation;

(14) "Pedestrian" means any natural person afoot;

(15) "Person" means any natural person, firm, co-partnership, association or corporation;

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(16) "Public Grounds" means property under the control of the City in the Event Zone to which the general public has access, including all public lands and any paved areas on such property, but excluding streets, public buildings, and sidewalks adjoining streets;

(17) "Public Installation" means the placement of any structure or physical object which hinders the free use and passage of pedestrians on Public Grounds, including tables, chairs, temporary structures and canopies;

(18) "Public Art" means the placement of art or other object containing public messaging on any Public Grounds with the intention to leave it for a period of time to be viewed by the public;

(19) "Secure Zone" means the area or areas in the Event Zone to which access is restricted by the United States Secret Service or the Department of Public Safety;

(20) "Severe Weather" means the forecasting or occurrence of weather phenomena affecting the City that requires the National Weather Service to issue a severe weather watch or warning for weather phenomena including, but not limited to severe thunderstorms, tornados and floods;

(21) "Sound Amplification Equipment" means any system or piece of equipment used for the production of amplified sound, excluding megaphones, bullhorns and portable battery-operated sound amplification devices;

(22) "Speakers Platform" means the placement and use of a podium, platform, pedestal, stand or similar object to make a public speech, other than the Official Speakers Platform;

(23) "Street" means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, excluding Sidewalks;

(24) "Sidewalk" means the portion of a street adjacent to the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for use of pedestrians; and

(25) "Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility devices, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon

C OF C 302-215A

BOARD OF CONTROL
Received ... 5-25-16
Approved ... 5-25-16
Adopted ... 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

stationary rails or tracts, or any device, other than a bicycle, that is moved by human power. A bicycle is a "vehicle".

(b) *Persons Prohibited in the Secure Zone.* No person shall be inside the Secure Zone during the time periods designated by the United States Secret Service or the Department of Public Safety with authorization.

(c) *Permit and Registration Required.* No person shall engage in or conduct a Parade or place Public Art or a Public Installation in the Event Zone without first obtaining a permit issued as provided in these Regulations. No person shall use the Official Speakers Platform without first registering as provided in these Regulations. No person shall use a Speakers Platform during the period inside the Event Zone except for the Official Speakers Platform.

(d) *Types of Permits in the Event Zone.* The following permits can be obtained from the City for the Event Zone during the Convention Period:

(1) *Official Parade Route Permit.* An Official Parade Route Permit is required to parade in the Event Zone during the Convention Period; and

(2) *Park Use Permit.* A Park Use Permit is required to place Public Art or a Public Installation in the Event Zone during the Convention Period.

(e) *Time Restrictions Applicable to All Permits in the Event Zone.* The following time restrictions apply to issuance of the following permits:

(1) Official Parade Route Permits may be obtained for Monday, July 18, 2016 thru Thursday, July 21, 2016—On Monday between 2:00 p.m. and 4:00 p.m.; On Tuesday through Thursday between 9:00 a.m. and 1:00 p.m. each day.

A. Each Official Parade Route Permit will cover a one-hour time period beginning on the hour. The final parade each day must clear the entire parade route and be dispersed by 5:00 p.m. on Monday and by 2:00 p.m. on Tuesday through Thursday. Only a single permit will be issued for each one-hour period within the designated time periods set forth above.

B. Groups must gather in the designated staging area as marked on the attached map for the Official Parade Route one-half hour before the time that the parade starts. Official Parade Route staging shall occur at the western end of the Lorain Carnegie Bridge near West 20th Street.

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(2) Park Use Permits may be obtained for Monday, July 18, 2016 through Thursday, July 21, 2016—Between 9:30 a.m. and 9:00 p.m. each day.

(3) No permit issued under these Regulations shall be transferable.

(f) *Official Parade Route Regulations.* The following regulations apply to persons while participating in a Parade at the Official Parade Route:

(1) Permit holders must be present during their assigned time slots;

(2) Permit holders must show proof of permit and a photo ID at the time of check-in;

(3) Parade participants must be fully assembled by the assigned step-off time. Failure to step-off within ten (10) minutes of an assigned start time may result in a forfeiture of the time slot for the Parade.

(4) Vehicles may not be used in the Parade;

(5) Parade participants will have 50 minutes to complete their procession to the end of the Official Parade Route;

(6) Upon completion of the procession or at the end of the designated time slot for the Parade, whichever is sooner, the participants in the Parade must clear the Official Parade Route; and

(7) Sound Amplification Equipment may not be used by Parade participants;

(g) *Park Use Regulations.* The following regulations apply to persons while using or participating in a Park Use:

(1) Public Art and Public Installation may only be placed in the Event Zone on Perk Plaza and Willard Park;

(2) Permit holders must be present during their assigned time;

(3) Permit holders must show proof of permit and a photo ID at the time of check-in;

(4) All Public Art and Public Installations must be placed temporarily, not secured to the ground, and be fully removable upon expiration of the permit;

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(5) Advertising utilized solely for the opportunity to gain commercial or corporate exposure, or as a means to generate commercial sales, or increase corporate or commercial activity is prohibited;

(6) Permit holders shall make certain that participants do not distribute materials for private pecuniary gain;

(7) Fires of any kind are strictly prohibited;

(8) No person shall damage, mark, deface or cause any injury to any existing trees, plants, monuments, art or objects located in Public Grounds;

(9) Vehicles are prohibited from being parked on any Public Grounds without the written permission of the Director;

(10) Camping is prohibited; and

(11) The use of Sound Amplification Equipment is prohibited.

(h) *Official Speakers Platform Regulations.* The following regulations apply to persons while using the Official Speakers Platform:

(1) Persons may use the Official Speakers Platform from Monday, July 18, 2016 through Thursday, July 21, 2016, between 9:30 a.m. and 6:00 p.m. each day. The final use of the Official Speakers Platform will end at 6:30 p.m. each day;

(2) Use of the Official Speakers Platform is on a strictly first-come first-served basis;

(3) Use of the Official Speakers Platform shall be limited to thirty-minute increments. Registered persons must check in no later than fifteen (15) minutes prior to their assigned time;

(4) All microphones and Sound Amplification Equipment will be provided by the City. No speaker may use his or her own microphone and/or Sound Amplification Equipment.

(i) *Application and Registration Filing.* A person seeking an Official Parade Route Permit or a Park Use Permit within the Event Zone shall file an application with the Division of Assessments and Licenses on the forms and in the manner provided and the application form shall be signed by the applicant. Any person or group seeking to use the Official Speakers Platform must register with the Division of Assessments and Licenses on the forms and in the manner provided.

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16

Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(j) *Filing Periods*. The City will accept an application for an Official Parade Route Permit, a Park Use Permit, or registration for use of the Official Speakers Platform at any time up until the Convention Period. It is anticipated, however, that there may be a large volume of requests for the available space for permitted uses and multiple requests may be received for use of the same space at the same time. For this reason, all applicants are strongly encouraged to file applications for Official Parade Route Permits or Park Use Permits by 5:00 p.m. Eastern Daylight Time on Friday, July 8, 2016. Similarly, users of the Official Speakers Platform are strongly encouraged to register by 5:00 p.m. Eastern Standard Time on Friday, July 8, 2016. A separate application is required for each day, time slot, and location for which a permit is requested. Applications will be considered on a first-come, first-served basis only.

(k) *Application Contents.* The application for an Official Parade Route Permit or a Park Use Permit shall contain the following information:

(1) The name, address, day-time telephone number, and email, if available, of the applicant;

(2) The name, address, and telephone number of the headquarters of the organization for which the Parade is to be conducted;

(3) The name and telephone number of the on-site coordinator or person in charge of the Parade or the Park Use, if different from the applicant;

(4) The date, time and estimated duration of the placement of Public Art or Public Installation, including time for set-up or take-down and any alternative dates and time;

(5) A description of the proposed location on Public Grounds for the Public Art or Public Installation;

(6) The date and time requested for the Parade or the Park Use and any possible alternative dates and times;

(7) The approximate number of persons who will constitute the Parade; and

(8) The name and contact information for any private security service to be provided by the organizer, if applicable.

(l) Registration Contents; Registration. The registration for use of the Official Speaker's Platform shall contain the following information:

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-23-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(1) The name), address, day-time telephone number, and email address, if available, of the registrant;

(2) The proposed date and time of the use of the Official Speakers Platform.

(m) *Application Review.* Applications for an Official Parade Route Permit or a Park Use Permit shall be reviewed by the Division of Assessments and Licenses, the Office of Special Events and Marketing, the Division of Police, the Division of Fire and the Division of EMS, and approved by the Chief and the Directors of Public Safety and Public Works, or the Directors' designees, before a permit is issued. In determining whether to issue a permit, the following factors shall be considered:

(1) Whether the information contained in the permit application is found to be false, misleading, or incomplete in any material detail;

(2) Whether the time, place, or size of the Parade or Park Use including any staging areas, will unreasonably interfere with the safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;

(3) Whether the Parade or Park Use will present an unreasonable danger to the health or safety of participants or other members of the public, or cause damage to public or private property;

(4) Whether a permit for a Parade, Park Use, or other special event has been granted or an application has previously been received and will be granted, for the same time and approximate location, or would unreasonably interfere with another Parade, Park Use, or other special event for which a permit has been issued; or

(5) Whether the applicant, the organization, or persons represented by the applicant or organization have previously violated the provisions of a similar permit or have violated any City ordinances or state or federal laws in connection with a previous Parade or other public assembly in the City.

(n) *Exception.* A person or group is not required to obtain a permit for a Parade in the Event Zone before conducting the event where the Parade will take place on Sidewalks and Crosswalks and will not prevent pedestrian traffic from using the Sidewalks or Crosswalks or interfere with vehicular traffic on the Streets at the Crosswalks, and will not occur on Streets;

C OF C 302-215A

RESOLUTION No. 252-16

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

By: Director Cox and Director McGrath

(o) *Exception for Large Groups.* No Parade of more than two hundred (200) individuals shall be held within five hundred (500) feet of any other Parade involving more than two hundred (200) individuals whether on a Sidewalk or on the Official Parade Route in the Event Zone.

(p) *Permit or Registration Fee.* There shall be no fee charged for an Official Parade Route Permit, a Park Use Permit, or for the use of the Official Speakers Platform in the Event Zone during the Convention Period.

(q) *Permit Revocation.* The Director may revoke or suspend any permit granted under this section because of any false statement made in the application for the permit or a violation of these Regulations.

(r) *Severe Weather.* Any permit issued under these Regulations or use of the Official Speakers Platform may be suspended or terminated effective immediately in the event of Severe Weather. The Director of Public Safety in consultation with the Director of Public Works will determine whether Severe Weather impacts the general welfare and safety of the community and will make the final determination to terminate or suspend any permits. Notice of the termination or suspension will be sent to the applicant, and a public notice will issued to the media.

(s) *Appeals.* If an application for a permit is denied or revoked, the applicant or permittee shall be notified in writing by email, if available, or by telephone and regular mail to the address on the application with the reason for the denial or revocation. An applicant or permittee shall have the right to appeal the denial or revocation of a permit within three (3) business days of receipt of the notice of denial to the Director. The Director shall hold a hearing on the denial or revocation within three (3) business days of receipt of the notice of appeal. If the Director determines that the denied or revoked permit should be granted, the applicant shall be notified in writing and obtain the permit. If the Director determines that a denied or revoked permit should be reinstated, the permittee shall be notified in writing and proceed as if the permit was not denied or revoked. If the Director affirms the denial or revocation of the permit, the applicant shall be immediately notified of the decision and shall have the right to appeal the denial within the same time and in the same manner provided in Section 403.09 of the Codified Ordinances.

(t) *Other Parades and Special Events.* Because of the large crowds and vehicular traffic, including buses, anticipated in the Event Zone during the Convention, the City cannot accommodate parades on City streets in the Event Zone except for Parades on the Official Parade Route. Groups seeking to conduct a Parade on a City street or to hold a special event on a City park located outside of the Event Zone during the Convention Period may apply for a parade permit under Codified Ordinance Section 411.05 or a special event permit under Codified Ordinance Section 131.07.

C OF C 302-215A

BOARD OF CONTROL
Received 5/26/16
Approved 5/26/16
Adopted 5-26-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

Section III. Prohibited Items

(a) *Definitions.* As used in this section:

(1) The terms "Convention Period," "Event Zone," "Public Grounds," "Secure Zone," "Sidewalk," and "Street" shall have the same meaning as Section II of these Regulations; and

(2) "Public Access Areas" shall mean any space in the Event Zone, excluding spaces designated as the Secure Zone, that is open to access by the general public, including Streets, Sidewalks and Public Grounds.

(b) Within all Public Access Areas, the following items are prohibited during the Convention Period:

(1) Lumber larger than 2" in width and ¼" thick, including supports for signs;

(2) Metal, plastic, or other hard material larger than ¾" thick and 1/8" in wall thickness including pipe and tubing;

(3) Any air rifle, air pistol, paintball gun, blasting caps, switchblade or automatic knife, knife having a blade two and one-half (2-1/2) inches in length or longer, cestus, billy, blackjack, sword, saber, hatchet, axe, slingshot, BB gun, pellet gun, wrist shot, blackjack, metal knuckles, nun chucks, mace, iron buckle, axe handle, shovel, or other instrumentality used to cause property or personal damage;

(4) Any dangerous ordinance, weapon, or firearm that is prohibited by the laws of the State of Ohio;

(5) Any explosives, explosive device, or incendiary device;

(6) Fireworks and rockets;

(7) Sound Amplification Equipment;

(8) Drones and other unmanned aircraft systems;

(9) Containers of bodily fluids;

(10) Aerosol cans;

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(11) Mace, Pepper Spray or other chemical irritant;

(12) Umbrellas with metal tips;

(13) Any projectile launchers, such as water guns and water cannons;

(14) Rope, chain, cable, strapping, wire, string, line, tape, or any similar material, in lengths greater than 6';

(15) Glass bottles, ornaments, light bulbs, ceramic vessels, and any other frangible container, regardless of whether the container holds any substance;

(16) Locks including, without limitation, padlocks, bicycle locking devices, chain locks or similar devices, but not including: (i) an integral component of a conveyance or structure; (ii) locks when utilized by the owner of private real property to secure permanent or temporary fencing; or (iii) locks attached to a bicycle;

(17) Any gas mask or similar device designed to filter all air breathed by the wearer in an attempt to protect the respiratory tract and/or face against irritating or noxious gasses or other materials. This prohibition on gas masks shall not apply to any person wearing a medical oxygen mask that fits over the nose and mouth of the person and provides oxygen from an oxygen tank to the person;

(18) Tents and other shelters, sleeping bags, sleeping pads, mattresses, cots, hammocks, bivy sacks, or stoves;

(19) Coolers or ice chests;

(20) Backpacks and bags exceeding the size of 18" x 13" x 7";

(21) Lasers;

(22) Non-plastic containers, bottles, cans, or thermoses;

(23) Ladders;

(24) Grappling hooks, sledgehammers, hammers, and crowbars;

(25) Canned goods;

C OF C 302-215A

BOARD OF CONTROL
Received 5/25/16
Approved 5/25/16
Adopted 5-25-16
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(26) Tennis balls; and

(27) Any other item determined by the Chief or Director to be a clear and present danger to the safety of others.

(c) The prohibitions of this section shall not be applicable to:

(1) Persons possessing an item listed above when (i) the person or his/her employer maintains a place of employment within the Event Zone; and (ii) the possession of said item is in the normal course of the person's licensed business or employment and to be used within place of employment; and

(2) Persons possessing an item listed above when (i) the person resides within the Event Zone; and (ii) the possession of said item kept and used within the person's residence;

(3) Law enforcement personnel or other local, state, or federal government employees possessing a prohibited item in the course of their authorized duties; and

(4) Any licensed medical professional in the performance of their medical duties.

Section V. Possession of Obstruction Devices Prohibited; Placing Objects in the Rights-of-Way, Sidewalks, and Roadways

(a) It is unlawful for any person, with the intent to obstruct the public's ability to freely move about on rights-of-way, sidewalks and other areas to which the public has access, to possess or place any tool, object, instrument, or any combination thereof, that is adapted, designed, or intended to be used for obstructing the public's ability to freely move about on rights-of-way, sidewalks or any other area to which the public has access.

This shall include, but is not limited to, the maneuver commonly referred to as the "Sleeping Dragon," tripods, bipod, pole, any sections of pipe or containers filled with or wrapped in weighted material such as concrete and/or containing handcuffs, chains, carabiners, padlocks, road stars, or other locking devices.

(b) It is unlawful for any person to inhibit, for any reason, the movement of emergency equipment on streets, rights-of-way or sidewalks.

C OF C 302-215A

BOARD OF CONTROL
Received ..5-25-16.....
Approved .....5-25-16.....
Adopted .....5-25-16.....
Secretary

RESOLUTION No. 252-16

By: Director Cox and Director McGrath

(c) It is unlawful for any person to place any instrument, tripod, bipod or other pole or object with the intent to obstruct the public's ability to freely move about on rights-of-way, sidewalks, entrance and exit to private property or any other area to which the public has access.

(d) It is unlawful for any person to attach themselves to another person, building, Vehicle, or fixture with the intent to obstruct the public's ability to freely move about on rights-of-way, sidewalks, entrances and exits to private property, or any other area to which the public has access.

(e) Government employees in the performance of their official duties shall be exempt from this section.

Section VI. Conflict Provision

In the event of a conflict between these regulations and the Codified Ordinances of Cleveland, Ohio, 1976, or any other City ordinance or regulation, these Regulations shall control.

Yeas	Directors Langhenry, Dumas, Acting Director Shaw, Interim Director Szabo, Director Cox, Interim Director Walker-Minor, Director McGrath, Acting Director Cosgrove, Interim Director West, Directors Nichols, Fumich, O'Leary
Nays:	None
Absent:	Mayor Jackson

CITY OF CLEVELAND
Mayor Frank G. Jackson

APPLICATION
PARADE PERMITS

CITY OF CLEVELAND
DEPARTMENT OF PUBLIC WORKS
Office of Special Events & Marketing
500 Lakeside Avenue
Cleveland, Ohio 44114

Phone: 216.664.2484
Hours of Operation
9:00 am to 4:30 pm Weekdays
SpecialEvents@city.cleveland.oh.us

eived
plication
Front Desk
03/16/16
the Hand

DATE 10/15/15	FEE: $25.00

SECTION A - APPLICANT INFORMATION

Name	CHANTAL DOTHEY		
Address	1388 LYNN Park DRIVE		
City	Cleveland HTS	ST OH	Zip 44121
Telephone/Mobile Telephone	216 381 1051	Email	cdothey@gmail.com

SECTION B - ONSITE EVENT CONTACT

Name	CHANTAL DOTHEY		
Address	1388 LYNN Park DRIVE		
City	Cleveland	ST OH	Zip 44121
Telephone/Mobile Telephone	216 381 1051	Email	cdothey@gmail.com

SECTION C - ORGANIZATION INFORMATION (IF APPLICABLE)

Organization Name	ORGANIZE OHIO		
Contact Name	CHANTAL DOTHEY OR LARRY BRESLER		
Address	3500 LORAIN AVE		
City	Cleveland	ST OH	Zip 44113
Telephone/Mobile Telephone	216 651 2606	Email	LBRESLER@ORGANIZEOHIO.O

SECTION D - PRIVATE SECURITY FIRM (IF APPLICABLE)

Private Security Firm Name			
Contact Name			
Address			
City		ST	Zip
Telephone/Mobile Telephone		Email	

SECTION E - LOCATION INFORMATION

Street number and name	EUCLID Ave 38th Street	Direction	EST to West
Secondary road	DOWN TOWN CLEVELAND		
City	Cleveland	ST OH	Zip
Location description			
Route Plan and Map attached	[X] Yes	[ ] No	

CITY OF CLEVELAND
Mayor Frank G. Jackson

APPLICATION
PARADE PERMITS

CITY OF CLEVELAND
DEPARTMENT OF PUBLIC WORKS
Office of Special Events & Marketing
500 Lakeside Avenue
Cleveland, Ohio 44114

Phone: 216.664.2484
Hours of Operation
9:00 am to 4:30 pm Weekdays
SpecialEvents@city.cleveland.oh.us

SECTION F - PARADE INFORMATION

Primary date requested					
07/18/16	11 A.M.				A.M.
Primary start time	4pm 3 P.M.		Primary end time	3-4	P.M.

Alternate date requested					
		A.M.			A.M.
Alternate start time		P.M.	Alternate end time		P.M.

	10	A.M.			A.M.
Set-Up time	11	P.M.	Teardown time	4 PM	P.M.

Staging area

Number of intersection crossings — Number of walking participants: 1000 - 5000 (?)

Number of vehicles	1	Cars/Trucks		Motorcycles		Horses
		Bicycles		Floats		Buses

SECTION G - SOUND AMPLIFICATION EQUIPMENT (IF APPLICABLE)

Please provide a description of any sound amplification equipment to be used in connection with the parade.

MEGA PHONES, WATER

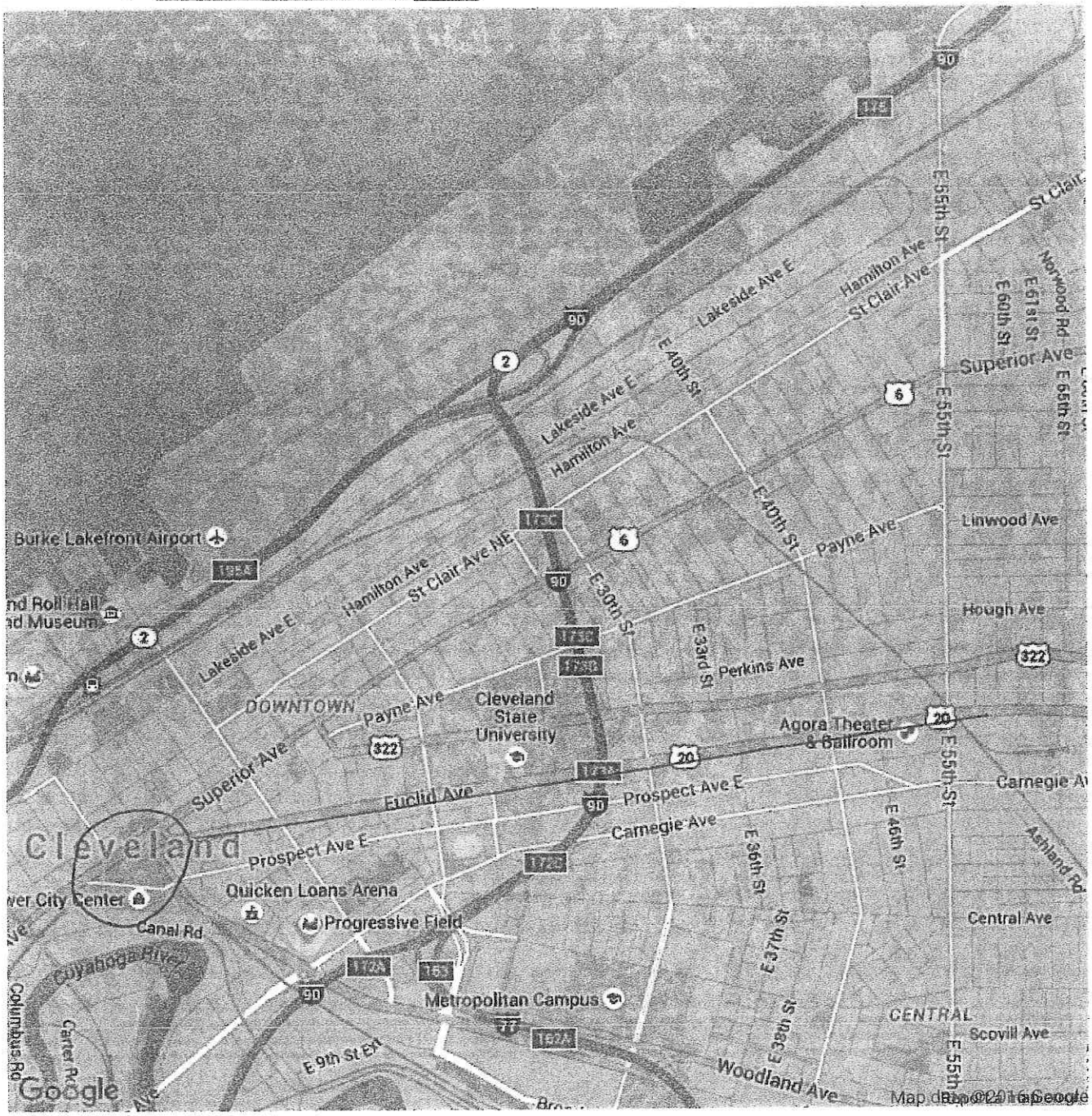
SECTION H - ACKNOWLEDGEMENT

By signing, Applicant acknowledges that they have read and understand Codified Ordinance §411.05, Parade Permits. I certify that the above information I provided is true to the best of my knowledge.

APPLICANT SIGNATURE

CDotley CHANTAL DOTHEY 216 381 1051

Search Maps Enter Address, business Go



g Directions for Cleveland

siness

B

Enter Address, business

Get Directions

Maps and Driving Directions

Graham, Danielle

From: Johnson, Kim
Sent: Wednesday, March 16, 2016 4:21 PM
To: Graham, Danielle; Horvath, Richard
Subject: FW: July 18 Parade Permit
Attachments: doc03786420160316162114.pdf

See attached parade application delivered today to the Office of Special Events. The following email was sent to the applicant:

Danielle - would you like the original application?

From: Johnson, Kim
Sent: Wednesday, March 16, 2016 4:13 PM
To: 'cdothey@gmail.com'
Subject: Dothey Parade Application

Ms. Chantel Dothey – we are in receipt of the application that you delivered today to the Office of Special Events to use public property for your event on July 18, 2016. The City of Cleveland will not issue any permits to use public property in the areas and dates you have requested until final preparation and approval of the security plan for the Republican National Convention by federal, state and local law enforcement agencies. Your request will be held until these arrangements are finalized. You will be contacted at that time.

Kim Johnson, Assistant Director
Department of Public Works
500 Lakeside Avenue
Cleveland, Ohio 44114
(216)348-2683
Kjohnson1@city.cleveland.oh.us

Graham, Danielle

From: Graham, Danielle
Sent: Monday, April 25, 2016 2:19 PM
To: 'CDOTHEY@GMAIL.COM'; 'LBRESLER@ORGANIZEOHIO.COM'
Cc: Johnson, Kim; Hand, Esha
Subject: CITY OF CLEVELAND UPDATE - 2016 Republican National Convention

Ms. Dothey and Mr. Bresler,

This is follow up to re-confirm that the City has received your inquiry and/or form of application to obtain permits during the Republican National Convention in July in Cleveland. Your inquiry or form of application has been initially processed and assigned a tracking number. Upon finalization and approval of the security plan by federal, state and local law enforcement agencies, you will be receiving further details and information regarding obtaining permits. This information will include a more detailed form specific to the Republican National Convention that will need to be completed. The form will reference your assigned tracking number. Also, you will receive all applicable rules and regulations. Thank you for your patience. Once arrangements are finalized, you will be contacted.

CITY OF CLEVELAND
Mayor Frank G. Jackson

Danielle P. Graham
Assistant Commissioner
Department of Finance | Division of Assessments & Licenses
601 Lakeside Ave. Room 122,Cleveland, Ohio 44114
tel. 216.664.2067 | fax 216.664.4592

Graham, Danielle

From: Timothy Selaty <timselatysr@gmail.com>
Sent: Wednesday, June 01, 2016 5:14 PM
To: Graham, Danielle
Subject: Re: CITY OF CLEVELAND FOLLOW UP: 2016 REPUBLICAN NATIONAL CONVENTION (LUEU16-00099)

Thank you, Ms. Graham.
Hope you have a very pleasant evening.

On Wed, Jun 1, 2016 at 4:08 PM, Graham, Danielle <DGraham@city.cleveland.oh.us> wrote:

Mr. Selaty,

Your application submission and additional correspondence/request have been received. This will be processed for review and response by the City of Cleveland.

Have a good evening.

Danielle P Graham, Assistant Commissioner

(216) 664-2067

From: Timothy Selaty [mailto:timselatysr@gmail.com]
Sent: Wednesday, June 01, 2016 5:04 PM
To: Graham, Danielle
Subject: Re: CITY OF CLEVELAND FOLLOW UP: 2016 REPUBLICAN NATIONAL CONVENTION (LUEU16-00099)

Hello,

Please find out our signed permit attached.

Note: These arrangement choices the city is offering are extremely restrictive, and won't allow us to actually hold the rally we had initially planned.

Ideally, we'd like to use Voinovich park to hold our rally on July 18th with full sound system.
Please let us know if we can work something out for a full rally with sound amplification equipment.

Thank you.

Tim Selaty Sr.
Citizens for Trump, Co-Founder

On Tue, May 31, 2016 at 11:25 AM, Graham, Danielle <DGraham@city.cleveland.oh.us> wrote:

This is follow up to your recent inquiry and/or form of application to obtain permits during the Republican National Convention in July in Cleveland. Attached is the formal application along with the appropriate maps and rules & regulations. **The application process is on a first-come, first-serve basis. In order to best facilitate your previous inquiry in conjunction with first come, first-serve basis processing, please submit the attached completed application by 5:00 pm Eastern Standard Time, June 1, 2016.** Follow the application submission guidelines as noted on the attached application. Note that the overall application process will be open until 5:00 pm Eastern Standard Time on Friday, July 8, 2016 or until all available time slots have been filled.

Danielle P. Graham

Assistant Commissioner

CITY OF CLEVELAND
Mayor Frank G. Jackson

Department of Finance | Division of Assessments & Licenses

601 Lakeside Ave. Room 122,Cleveland, Ohio 44114

tel. 216.664.2067 | fax 216.664.4592

--

Best regards,

Tim Selaty Sr.

Founder, Tea Party Community & Tea Party Tribune

--
Best regards,

Tim Selaty Sr.

Founder, Tea Party Community & Tea Party Tribune

CITY OF CLEVELAND

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21

CITY OF CLEVELAND

Only one activity, date and time per application will be accepted. Applications submitted with more than one activity, date and time selected will not be processed and will be returned to applicant.

1. **Select One Date:**
   ☑ Monday, July 18 ☐ Tuesday, July 19 ☐ Wednesday, July 20 ☐ Thursday, July 21

2. **Select One Activity Box and Requested Time:**

☐ **Official Parade Route**

Requested Time

Monday, July 18 - Parades limited to 60 minutes scheduled each hour starting at 2:00pm ending at 5:00pm.

☑ 2:00pm-3:00pm ☐ 3:00pm-4:00pm ☐ 4:00pm-5:00pm

Tuesday through Thursday, July 19-21 - Parades limited to 60 minutes scheduled each hour starting at 9:00am ending at 2:00pm.

☐ 9:00am-10:00am ☐ 10:00am-11:00am ☐ 11:00am-12:00pm ☐ 12:00pm-1:00pm ☐ 1:00pm-2:00pm

OR

☑ **Official Speakers Platform** Speakers' Platform limited to 30 minutes scheduled every 30 minutes starting at 9:30am ending at 6:30pm.

Requested Time

☐ 9:30am-10:00am ☐ 10:15am-10:45am ☐ 11:00am-11:30am ☐ 11:45am-12:15pm ☐ 12:30am-1:00pm ☐ 1:15pm-1:45pm

☐ 2:00pm-2:30pm ☐ 2:45pm-3:15pm ☐ 3:30pm-4:00pm ☐ 4:15pm-4:45pm ☐ 5:00pm-5:30pm ☐ 5:45pm-6:15pm

OR

☑ **Park Use** Designated space for public art displays and public gatherings. Permits required for all public art displays. Park Use is limited to 9:30am-9:00pm. ☐ Perk Plaza ☑ Willard Park

3. **Approximate Number of Participants:** 5000 **ADA Accommodations:** Y ☐ N ☐
4. **Name of Event/Request:** America First Unity Rally
5. **Web address of Organization/Individual:** AmericaFirstMovemet.com
6. **Organization/Individual Submitting Request:** Tim Selatv Sr. - Citizens for Trump
7. **Address:** 35 Verbena Bend PL City Spring ST TX Zip 77382
8. **Phone/Cell Phone:** 832-539-9039 **Fax:** _____ **Email:** timselatysr@gmail.com

SIGNED ACKNOWLEDGMENT

Permit holder acknowledges having read rules and agrees to abide by all conditions of the application and the regulations governing the use of space.

Applicant Printed Name: Tim Selaty Sr. **Date:** 6-1-16

Signature of Applicant: Tim Selaty Sr. **Date:** _____

CITY OF CLEVELAND

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21

CITY OF CLEVELAND

OFFICE USE ONLY **Permit or Registration Number** LUEU16-00099

Who needs to apply for a permit?

Official Parade Route Permit

The Official Parade Route shall be the only parade route permitted in the Event Zone effective beginning at 2:00pm Eastern Standard Time on July 18, 2016 and terminating at 2:00pm Eastern Standard Time on July 21, 2016. In the event the RNC is extended, then the effective period of the Official Parade Route shall also extend to coincide with the dates of the RNC. However, the term for the Official Parade Route shall not extend beyond July 21, 2016. Unless otherwise stated herein, an Official Parade Route permit shall be required when any person, entity, group or organization desires to engage in, participate in, conduct, host or otherwise hold a parade in the Event Zone during the aforementioned dates.

Park Use - Public Art Installation Permit

Park Use are designated gathering spaces within City parks where approved objects can be displayed as well as individuals or groups may assemble. Hours of operation are from 9:30am - 9:00pm Eastern Standard Time, July 18-21, 2016. Permits are required for all public art displays.

Who needs to register?

Official Speakers' Platform Registration

Official Speakers' Platform is a stage located within the Public Viewing Area, limited to 30 minutes per speaker with amplified sound. Hours of operation are from 9:30am - 6:30pm Eastern Standard Time, July 18-21, 2016. Registration for the Official Speakers' Platform is located at the Division of Assessments and Licenses on a first come first serve basis.

Why do you need a permit or to register?

The City of Cleveland wants to accommodate as many groups as possible during this convention period and provide for an enjoyable experience for all our residents and guests. To ensure proper scheduling and planning, applicants are asked to estimate the number of people attending.

How do I apply for a permit or register?

Applications should be submitted online (https://ca.permitcleveland.org/Public/), mailed, or delivered in person to the following address:

Division of Assessments and Licenses
City of Cleveland/Cleveland City Hall
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114
DALLicenses@city.cleveland.oh.us

When will I find out if my application for a permit is approved or registration was accepted?

The City of Cleveland will notify people of the status of their reservation application in a timely manner by mail or email.

What are the hours of the Division of Assessments and Licenses?

The Office is open Monday through Friday, 8:00am - 5:00pm Eastern Standard Time.

What are the fees associated with an Official Speakers' Platform, Official Parade Route or Park Use permit for the Republican National Convention?

There is no fee for an Official Speakers' Platform, Official Parade Route or Park Use Permit.

Where can I find the permit/registration application?

Permit/registration applications can be obtained on the City's web site at www.cleveland.oh.us or be applied for online at https://ca.permitcleveland.org/Public/.

Can I apply for a parade or public park use permit that is not the Official Parade Route or designated Park Use spaces?

Yes

Who should I call with questions regarding the process?

For questions regarding applications, contact (216) 664-2067 or email at DALLicenses@city.cleveland.oh.us.

Media inquiries should be directed to the Mayor's Office of Communication by email at communication@city.cleveland.oh.us

LWEW16-0056

RNC parade permit

Larry Bresler <lbresler@organizeohio.org>

Wed 6/1/2016 4:58 PM

To:Assessments & Licenses Licenses <DALLicenses@city.cleveland.oh.us>;

Cc:tom.burke.ohio@gmail.com <tom.burke.ohio@gmail.com>; Bryan Hambley <bryanhambley@gmail.com>; flevenson@acluohio.org <flevenson@acluohio.org>; ebonham@acluohio.org <ebonham@acluohio.org>; cdothey@gmail.com <cdothey@gmail.com>; gloco@live.com <gloco@live.com>;

1 attachment

O!O RNC Parade Application.PDF;

I have tried repeatedly to send the attached permit application to the link on the application, but have been unable to do so. I am therefore emailing it to you. Our application is requesting a route that is different from the official route, but we are submitting the application to maintain our priority place in line.

Larry Bresler
End Poverty Now! March for Economic Justice Coordinator

Larry Bresler
Organize! Ohio
3500 Lorain Avenue Suite 501A
Cleveland, Ohio 44113
216-651-2606

ORGANIZE!

3500 Lorain Avenue ◦ Suite 501A ◦ Cleveland, OH 44113
Phone: 216-651-2606 ◦ Fax: 216-651-2633
www.OrganizeOhio.org ◦

June 7, 2016

To whom it may concern,

The march route proposed by Organize! Ohio for 1:00 pm on March 18, 2016 has been revised. The new route is as follows:

Proposed March Route for Organize! Ohio's
End Poverty Now! March for Economic Justice

Start on East 45th Street , just north of Superior Avenue. Go west on Superior Avenue to East 21st Street. Go south on East 21st Street to Carnegie Avenue. Go west on Carnegie Avenue ending at Progressive Field at East 9th and Carnegie Avenue.

Yours truly,

Larwrence Bresler
Executive Director, Organize! Ohio
Coordinator for the RNC March Planning Group.

Bolivar Rd
Bolivar Rd
Eagle Ave
Eagle Ave
S 6th St
Ohio Turnpike
Route 10

CITY OF CLEVELAND

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21

CITY OF CLEVELAND

Only one activity, date and time per application will be accepted. Applications submitted with more than one activity, date and time selected will not be processed and will be returned to applicant.

1. **Select One Date:**
   ☑ Monday, July 18 ☐ Tuesday, July 19 ☐ Wednesday, July 20 ☐ Thursday, July 21

2. **Select One Activity Box and Requested Time:**

☐ **Official Parade Route** X Parade not official Parade route

Requested Time

Monday, July 18 - Parades limited to 60 minutes scheduled each hour starting at 2:00pm ending at 5:00pm.
☐ 2:00pm-3:00pm ☐ 3:00pm-4:00pm ☐ 4:00pm-5:00pm

Tuesday through Thursday, July 19-21 - Parades limited to 60 minutes scheduled each hour starting at 9:00am ending at 2:00pm.
☐ 9:00am-10:00am ☐ 10:00am-11:00am ☐ 11:00am-12:00pm ☐ 12:00pm-1:00pm ☐ 1:00pm-2:00pm

OR

☐ **Official Speakers Platform** Speakers' Platform limited to 30 minutes scheduled every 30 minutes starting at 9:30am ending at 6:30pm.

Requested Time

☐ 9:30am-10:00am ☐ 10:15am-10:45am ☐ 11:00am-11:30am ☐ 11:45am-12:15pm ☐ 12:30am-1:00pm ☐ 1:15pm-1:45pm
☐ 2:00pm-2:30pm ☐ 2:45pm-3:15pm ☐ 3:30pm-4:00pm ☐ 4:15pm-4:45pm ☐ 5:00pm-5:30pm ☐ 5:45pm-6:15pm

OR

☐ **Park Use** Designated space for public art displays and public gatherings. Permits required for all public art displays. Park Use is limited to 9:30am-9:00pm. ☐ Perk Plaza ☐ Willard Park

3. **Approximate Number of Participants:** 5000 **ADA Accommodations:** Y ☐ N ☐
4. **Name of Event/Request:** End Poverty Now March For Economic Justice
5. **Web address of Organization/Individual:** lbresler@orgnanizeohio.org
6. **Organization/Individual Submitting Request:** Lawrence Bresler, Organize Ohio
7. **Address:** 3500 Lorain Ave City Cleveland ST OH Zip 44113
8. **Phone/Cell Phone:** 216-651-2606 **Fax:** **Email:** lbresler@organizeohio.org

SIGNED ACKNOWLEDGMENT

Permit holder acknowledges having read rules and agrees to abide by all conditions of the application and the regulations governing the use of space.

Applicant Printed Name: Lawrence Bresler **Date:** 6/1/16

Signature of Applicant: [signature] **Date:** 6/1/16

ORGANIZE!

3500 Lorain Avenue • Suite 501A • Cleveland, OH 44113
Phone: 216-651-2606 • Fax: 216-651-2633
www.OrganizeOhio.org •

June 1, 2016

To whom it may concern,

Attached is the official permit and registration application. It is being submitted solely to keep our organization's place in line for priority for our parade permit date and time.

Organize! Ohio and the 28 groups who have been planning the End Poverty Now! March for Economic Justice find the new registration application objectionable and insupportable for the following reasons:

1. The required parade route is unacceptable. No parade route should be required for all marches, particularly one which goes by no residences, commercial buildings or any locations traveled by other people.
2. The 50 minutes to an hour required time period for the march is not feasible for a large number of people.
3. There is no provision for having any rallies either before or after the marches.
4. No vehicles of any kind can be used in the march including to pick up people who are tired or to provide water.

We submitted an application with a route a few months ago. We would be willing to work with the City to provide our organization a permit for that route or an different acceptable one that is reasonably close to our permit request route.

Yours truly,

Larry Bresler,
Executive Director, Organize! Ohio
Coordinator for the RNC March Planning Group.

Graham, Danielle

From: Timothy Selaty <timselatysr@gmail.com>
Sent: Wednesday, June 01, 2016 5:14 PM
To: Graham, Danielle
Subject: Re: CITY OF CLEVELAND FOLLOW UP: 2016 REPUBLICAN NATIONAL CONVENTION (LUEU16-00099)

Thank you, Ms. Graham.
Hope you have a very pleasant evening.

On Wed, Jun 1, 2016 at 4:08 PM, Graham, Danielle <DGraham@city.cleveland.oh.us> wrote:

Mr. Selaty,

Your application submission and additional correspondence/request have been received. This will be processed for review and response by the City of Cleveland.

Have a good evening.

Danielle P Graham, Assistant Commissioner

(216) 664-2067

From: Timothy Selaty [mailto:timselatysr@gmail.com]
Sent: Wednesday, June 01, 2016 5:04 PM
To: Graham, Danielle
Subject: Re: CITY OF CLEVELAND FOLLOW UP: 2016 REPUBLICAN NATIONAL CONVENTION (LUEU16-00099)

Hello,

Please find out our signed permit attached.

Note: These arrangement choices the city is offering are extremely restrictive, and won't allow us to actually hold the rally we had initially planned.

Ideally, we'd like to use Voinovich park to hold our rally on July 18th with full sound system.
Please let us know if we can work something out for a full rally with sound amplification equipment.

Thank you.

Tim Selaty Sr.
Citizens for Trump, Co-Founder

On Tue, May 31, 2016 at 11:25 AM, Graham, Danielle <DGraham@city.cleveland.oh.us> wrote:

This is follow up to your recent inquiry and/or form of application to obtain permits during the Republican National Convention in July in Cleveland. Attached is the formal application along with the appropriate maps and rules & regulations. **The application process is on a first-come, first-serve basis. In order to best facilitate your previous inquiry in conjunction with first come, first-serve basis processing, please submit the attached completed application by 5:00 pm Eastern Standard Time, June 1, 2016.** Follow the application submission guidelines as noted on the attached application. Note that the overall application process will be open until 5:00 pm Eastern Standard Time on Friday, July 8, 2016 or until all available time slots have been filled.

Danielle P. Graham

Assistant Commissioner

CITY OF CLEVELAND
Mayor Frank G. Jackson

Department of Finance | Division of Assessments & Licenses

601 Lakeside Ave. Room 122,Cleveland, Ohio 44114

tel. 216.664.2067 | fax 216.664.4592

--

Best regards,

Tim Selaty Sr.

Founder, Tea Party Community & Tea Party Tribune

--
Best regards,

Tim Selaty Sr.

Founder, Tea Party Community & Tea Party Tribune

CITY OF CLEVELAND

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21

CITY OF CLEVELAND

Only one activity, date and time per application will be accepted. Applications submitted with more than one activity, date and time selected will not be processed and will be returned to applicant.

1. **Select One Date:**
   ☑ Monday, July 18 ☐ Tuesday, July 19 ☐ Wednesday, July 20 ☐ Thursday, July 21

2. **Select One Activity Box and Requested Time:**

☐ **Official Parade Route**

Requested Time

Monday, July 18 - Parades limited to 60 minutes scheduled each hour starting at 2:00pm ending at 5:00pm.

☑ 2:00pm-3:00pm ☐ 3:00pm-4:00pm ☐ 4:00pm-5:00pm

Tuesday through Thursday, July 19-21 - Parades limited to 60 minutes scheduled each hour starting at 9:00am ending at 2:00pm.

☐ 9:00am-10:00am ☐ 10:00am-11:00am ☐ 11:00am-12:00pm ☐ 12:00pm-1:00pm ☐ 1:00pm-2:00pm

OR

☑ **Official Speakers Platform** Speakers' Platform limited to 30 minutes scheduled every 30 minutes starting at 9:30am ending at 6:30pm.

Requested Time

☐ 9:30am-10:00am ☐ 10:15am-10:45am ☐ 11:00am-11:30am ☐ 11:45am-12:15pm ☐ 12:30am-1:00pm ☐ 1:15pm-1:45pm

☐ 2:00pm-2:30pm ☐ 2:45pm-3:15pm ☐ 3:30pm-4:00pm ☐ 4:15pm-4:45pm ☐ 5:00pm-5:30pm ☐ 5:45pm-6:15pm

OR

☑ **Park Use** Designated space for public art displays and public gatherings. Permits required for all public art displays. Park Use is limited to 9:30am-9:00pm. ☐ Perk Plaza ☑ Willard Park

3. **Approximate Number of Participants:** 5000 **ADA Accommodations:** Y ☐ N ☐
4. **Name of Event/Request:** America First Unity Rally
5. **Web address of Organization/Individual:** AmericaFirstMovemet.com
6. **Organization/Individual Submitting Request:** Tim Selatv Sr. - Citizens for Trump
7. **Address:** 35 Verbena Bend PL City Spring ST TX Zip 77382
8. **Phone/Cell Phone:** 832-539-9039 **Fax:** _____ **Email:** timselatysr@gmail.com

SIGNED ACKNOWLEDGMENT

Permit holder acknowledges having read rules and agrees to abide by all conditions of the application and the regulations governing the use of space.

Applicant Printed Name: Tim Selaty Sr. **Date:** 6-1-16

Signature of Applicant: Tim Selaty Sr. **Date:** _____

CITY OF CLEVELAND

OFFICIAL PERMIT AND REGISTRATION APPLICATION
2016 REPUBLICAN NATIONAL CONVENTION
FOR DATES OF JULY 18 THROUGH JULY 21

CITY OF CLEVELAND

OFFICE USE ONLY **Permit or Registration Number** LUEU16-00099

Who needs to apply for a permit?

Official Parade Route Permit

The Official Parade Route shall be the only parade route permitted in the Event Zone effective beginning at 2:00pm Eastern Standard Time on July 18, 2016 and terminating at 2:00pm Eastern Standard Time on July 21, 2016. In the event the RNC is extended, then the effective period of the Official Parade Route shall also extend to coincide with the dates of the RNC. However, the term for the Official Parade Route shall not extend beyond July 21, 2016. Unless otherwise stated herein, an Official Parade Route permit shall be required when any person, entity, group or organization desires to engage in, participate in, conduct, host or otherwise hold a parade in the Event Zone during the aforementioned dates.

Park Use - Public Art Installation Permit

Park Use are designated gathering spaces within City parks where approved objects can be displayed as well as individuals or groups may assemble. Hours of operation are from 9:30am - 9:00pm Eastern Standard Time, July 18-21, 2016. Permits are required for all public art displays.

Who needs to register?

Official Speakers' Platform Registration

Official Speakers' Platform is a stage located within the Public Viewing Area, limited to 30 minutes per speaker with amplified sound. Hours of operation are from 9:30am - 6:30pm Eastern Standard Time, July 18-21, 2016. Registration for the Official Speakers' Platform is located at the Division of Assessments and Licenses on a first come first serve basis.

Why do you need a permit or to register?

The City of Cleveland wants to accommodate as many groups as possible during this convention period and provide for an enjoyable experience for all our residents and guests. To ensure proper scheduling and planning, applicants are asked to estimate the number of people attending.

How do I apply for a permit or register?

Applications should be submitted online (https://ca.permitcleveland.org/Public/), mailed, or delivered in person to the following address:

Division of Assessments and Licenses
City of Cleveland/Cleveland City Hall
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114
DALLicenses@city.cleveland.oh.us

When will I find out if my application for a permit is approved or registration was accepted?

The City of Cleveland will notify people of the status of their reservation application in a timely manner by mail or email.

What are the hours of the Division of Assessments and Licenses?

The Office is open Monday through Friday, 8:00am - 5:00pm Eastern Standard Time.

What are the fees associated with an Official Speakers' Platform, Official Parade Route or Park Use permit for the Republican National Convention?

There is no fee for an Official Speakers' Platform, Official Parade Route or Park Use Permit.

Where can I find the permit/registration application?

Permit/registration applications can be obtained on the City's web site at www.cleveland.oh.us or be applied for online at https://ca.permitcleveland.org/Public/.

Can I apply for a parade or public park use permit that is not the Official Parade Route or designated Park Use spaces?

Yes

Who should I call with questions regarding the process?

For questions regarding applications, contact (216) 664-2067 or email at DALLicenses@city.cleveland.oh.us.

Media inquiries should be directed to the Mayor's Office of Communication by email at communication@city.cleveland.oh.us

Graham, Danielle

From: Assessments & Licenses Licenses
Sent: Monday, June 20, 2016 11:43 AM
To: Graham, Danielle
Subject: FW: CITY OF CLEVELAND - 2016 REPUBLICAN NATIONAL CONVENTION
Attachments: Parade Route Map.pdf; BOC Resolution 252-16 Parade. Park Use and Speakers Platform Regulations.pdf; LUEU16-00099.pdf

---

From: Assessments & Licenses Licenses
Sent: Thursday, June 16, 2016 9:48 PM
To: TIMSELATYSR@GMAIL.COM
Subject: CITY OF CLEVELAND - 2016 REPUBLICAN NATIONAL CONVENTION

Attached is an electronic copy of your parade permit. A paper copy will be mailed to the address on record. You will need to present the paper copy to City personnel at the designated day and time of your registered/permitted activity. Please be sure to note and fully comply with all Permit Special Instructions which is noted on the permit.

Should you have any questions, please contact 216.664.2067

Thank you.

CITY OF CLEVELAND

Department of Public Works
Special Events
500 Lakeside Avenue
Cleveland, Ohio 44114
(216) 664-2484

LUEU16-00099

EFFECTIVE 07/18/2016 **TO** 07/18/2016

LICENSE HOLDER

AMERICAFIRSTMOVEMENT.COM
35 VERBENA BEND PLACE
SPRING, TX, 77832

APPLICANT TIM SELATY SR
EVENT NAME: AMERICA FIRST UNITY RALLY

PURPOSE **LICENSE(S) FOR OFFICIAL PARADE**

LICENSE TO OPERATE

PERMITTED TIME: 2:00 PM - 3:00 PM

NO OF PARTICIPANTS: 5000

Official Parade Route Regulations. The following regulations apply to persons while participating in a Parade at the Official Parade Route:
(1)Permit holders must be present during their assigned time slot;
(2)Permit holders must show proof of permit and a photo ID at the time of check-in;
(3)Parade participants must be fully assembled by the assigned step-off time. Failure to step-off within ten (10) minutes of an assigned start time may result in a forfeiture of the time slot for the parade.
(4)Vehicles may not be used in the Parade;
(5)Parade participants will have 50 minutes to complete their procession to the end of the Official Parade Route;
(6)Upon completion of the procession or at the end of the designated time slot for the Parade, whichever is sooner, the participants in the Parade must clear the Official Parade Route;
(7)Sound Amplification Equipment may not be used by parade participants

ADDITIONAL REGULATIONS - No livestock including horses may not be used in the Parade

On-Site Coordinator

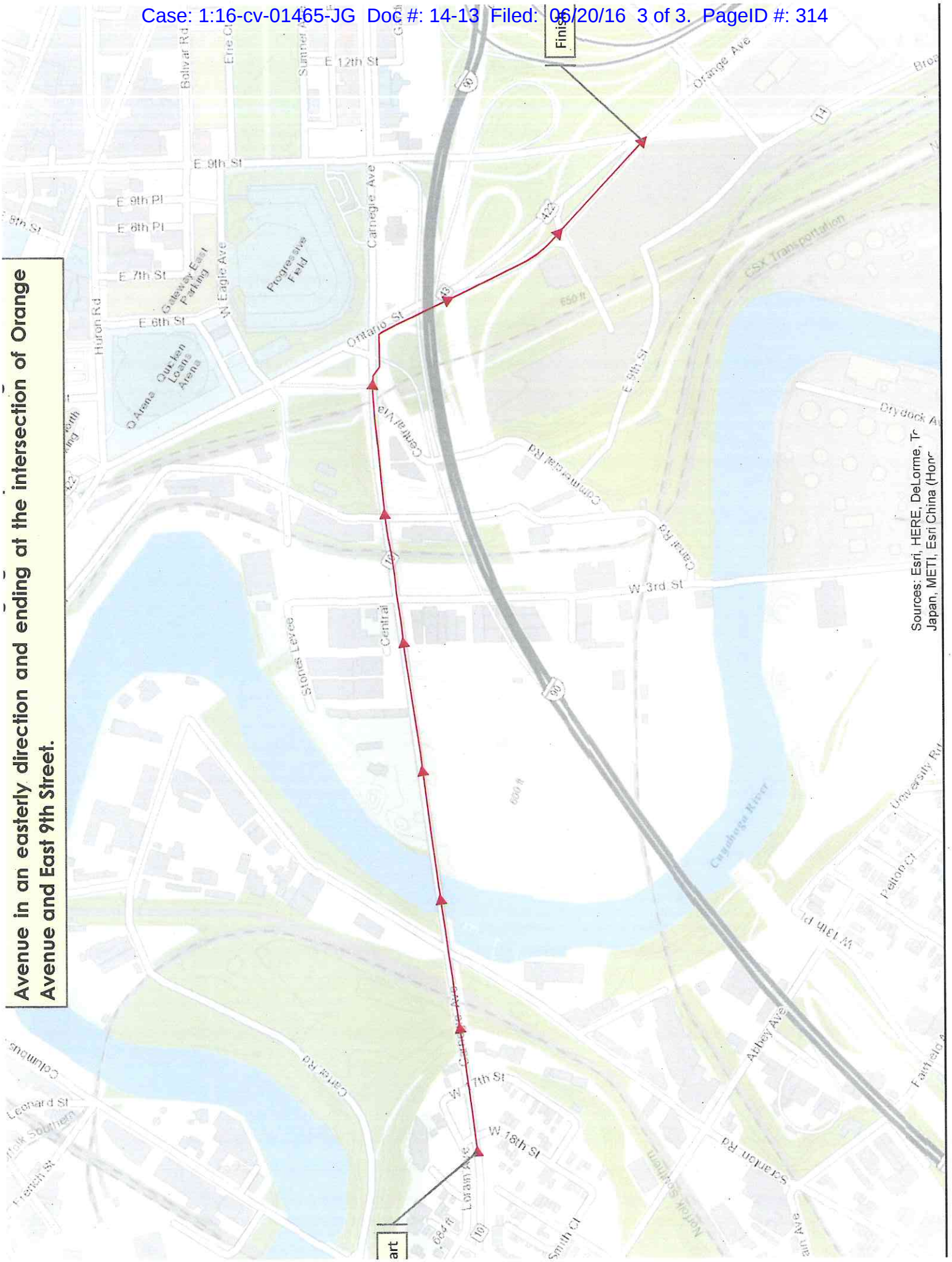
ISSUED ON 06/16/2016

Michael E. Cox

Michael Cox, Director
Department of Public Works

LICENSE MUST BE ON DISPLAY AT ALL TIMES

NON-TRANSFERRABLE


Avenue in an easterly direction and ending at the intersection of Orange Avenue and East 9th Street.
Finish
Orange Ave
E 12th St
E 9th St
E 9th Pl
E 8th Pl
E 7th St
E 6th St
Carnegie Ave
W Eagle Ave
Progressive Field
Gateway East Parking
Huron Rd
Quicken Loans Arena
Ontario St
CSX Transportation
Central Viaduct
Cannon Way
Canal Rd
W 3rd St
Stones Levee
Cuyahoga River
W 7th St
W 10th St
Abbey Ave
Scranton Rd
Start
Sources: Esri, HERE, DeLorme, Tr
Japan, METI, Esri China (Hon

Graham, Danielle

From: Graham, Danielle
Sent: Tuesday, May 31, 2016 12:18 PM
To: 'CDOTHEY@GMAIL.COM'; 'LBRESLER@ORGANIZEOHIO.COM'
Subject: CITY OF CLEVELAND FOLLOW UP: 2016 REPUBLICAN NATIONAL CONVENTION (LUEU16-00056)
Attachments: 056 OrganizeOhio.pdf; BOC Resolution 252-16 Parade. Park Use and Speakers Platform Regulations.pdf; Official Speakers Platform.pdf; Parade Route Map.pdf; Event Zone Map.pdf

This is follow up to your recent inquiry and/or form of application to obtain permits during the Republican National Convention in July in Cleveland. Attached is the formal application along with the appropriate maps and rules & regulations. **The application process is on a first-come, first-serve basis. In order to best facilitate your previous inquiry in conjunction with first come, first-serve basis processing, please submit the attached completed application by 5:00 pm Eastern Standard Time, June 1, 2016.** Follow the application submission guidelines as noted on the attached application. Note that the overall application process will be open until 5:00 pm Eastern Standard Time on Friday, July 8, 2016 or until all available time slots have been filled.

CITY OF CLEVELAND
Mayor Frank G. Jackson

Danielle P. Graham
Assistant Commissioner
Department of Finance | Division of Assessments & Licenses
601 Lakeside Ave. Room 122,Cleveland, Ohio 44114
tel. 216.664.2067 | fax 216.664.4592

Graham, Danielle

From: Assessments & Licenses Licenses
Sent: Monday, June 20, 2016 1:19 PM
To: LBRESLER@ORGANIZEOHIO.ORG; CDOTHEY@GMAIL.COM
Cc: Graham, Danielle
Subject: APPLICATION UPDATE - LUEU16-00056 (MARCH 16/JUNE 1) NOTIFICATION OF DENIAL
Attachments: LUEU16-00056 Response_Organize Ohio.pdf

The Parade Application, dated March 16, 2016, and the Official Permit and Registration Application, dated June 1,2016, # LUEU16-00056, as attached, are denied. The attached document will be mailed to the address on record. Within the document, you will find the reason(s) for the application denial, contact information and instructions for appealing the decision, should you choose.

Should you have additional questions, please contact the Department of Public Safety at (216) 664-2200. When speaking with the Department, please be sure to reference LUEU16-00056.

Division of Assessments and Licenses
(216) 664-2174

City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1085
(216) 664-2200
www.city.cleveland.oh.us

June 20, 2016

CHANTALDOTHEY/LARRY BRESLER
ORGANIZE! OHIO
3500 LORAIN AVENUE, SUITE 501A
CLEVELAND, OH, 44113

Dear CHANTAL DOTHEY/LARRY BRESLER,

The Parade Application, dated March 16, 2016, and the Official Permit and Registration Application, dated June 1,2016, # LUEU16-00056, as attached, are denied.

The applications were denied for the following reason(s):

- The parade route in the Parade Application will unreasonably interfere with the safe and expeditious movement of pedestrians and vehicular traffic, require the diversion of so great a number of City police officers to properly police the line of movement, and unreasonably interfere with the movement of police vehicles and other safety vehicles.
- The proposed parade route in the Parade Application does not follow the Official Parade Route in the Event Zone applicable to the date requested.
- Applicant failed to complete the Official Permit and Registration Application.

You have the right to appeal this denial within three (3) business days from receipt of this notice of denial. Please direct your appeal in writing to this office at the above address.

If you have any questions regarding this notice, please contact this office at (216) 664-2200. Thank you.

Sincerely,

Michael McGrath

Michael McGrath, Director
Department of Public Safety

Graham, Danielle

From: Assessments & Licenses Licenses
Sent: Monday, June 20, 2016 1:24 PM
To: TIMSELATYSR@GMAIL.COM
Cc: Graham, Danielle
Subject: APPLICATION UPDATE - LUEU16-00099 (APRIL 25/JUNE 1) NOTIFICATION OF DENIAL
Attachments: LUEU16-00099 Response_Citizens For Trump.pdf

The Parade Application, dated April 25, 2016, and the Official Permit and Registration Application, dated June 1, 2016, # LUEU16-00099, as attached, are denied, in part.The attached document will be mailed to the address on record. Within the document, you will find the reason(s) for the application denial, contact information and instructions for appealing the decision, should you choose.

Should you have additional questions, please contact the Department of Public Safety at (216) 664-2200. When speaking with the Department, please be sure to reference LUEU16-00099.

Division of Assessments and Licenses
(216) 664-2174

City of Cleveland
Frank G. Jackson, Mayor

Department of Public Safety
601 Lakeside Avenue, Room 230
Cleveland, Ohio 44114-1085
(216) 664-2200
www.city.cleveland.oh.us

June 20, 2016

TIM SELATY SR
AMERICAFIRSTMOVEMENT.COM
35 VERBENA BEND PLACE
SPRING, TX, 77832

Dear TIM SELATY SR,

The Parade Application, dated April 25, 2016, and the Official Permit and Registration Application, dated June 1, 2016, # LUEU16-00099, as attached, are denied, in part. Previously, the City issued a permit for Official Parade Route to you as applicant on June 16, 2016.

Portions of the applications were denied for the following reason(s):

- The parade route in the Parade Application will unreasonably interfere with the safe and expeditious movement of pedestrians and vehicular traffic, require the diversion of so great a number of City police officers to properly police the line of movement, and unreasonably interfere with the movement of police vehicles and other safety vehicles.
- The proposed parade route in the Parade Application does not follow the Official Parade Route in the Event Zone applicable to the date requested.
- Applicant failed to complete the Official Speakers Platform portion of Official Permit and Registration Application.
- For the date requested, the use of Willard Park for a special event is denied because the City is issuing Park Use permits for Willard Park under the Regulations approved by Board of Control Resolution No. 252-16, adopted March 25, 2016.

You have the right to appeal this denial within three (3) business days from receipt of this notice of denial. Please direct your appeal in writing to this office at the above address.

If you have any questions regarding this notice, please contact this office at (216) 664-2200. Thank you.

Sincerely,

Michael McGrath

Michael McGrath, Director
Department of Public Safety

JONES DAY® | One Firm Worldwide℠

Parade Route and Public Access

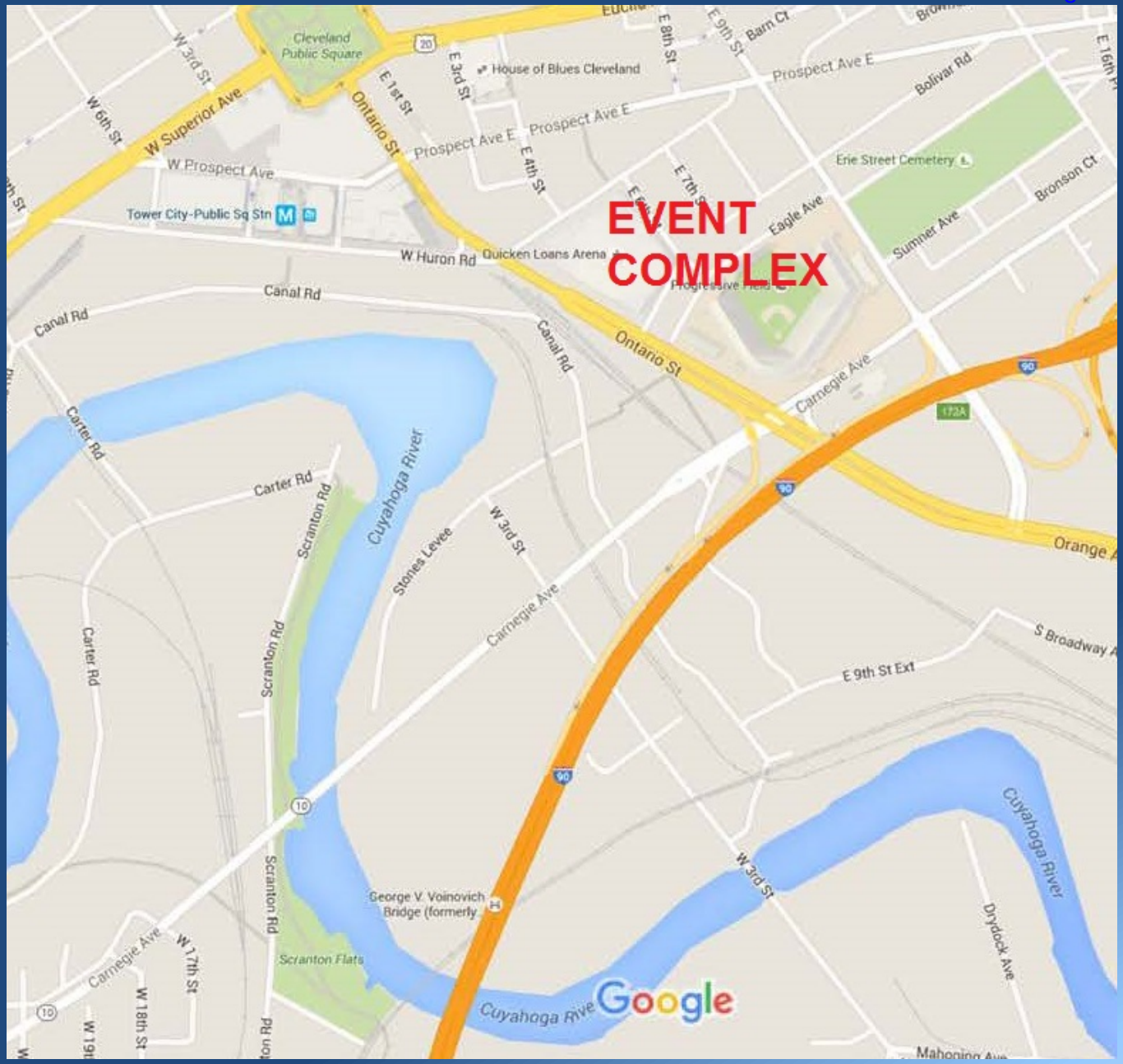
2016 Republican National Convention
Cleveland, Ohio

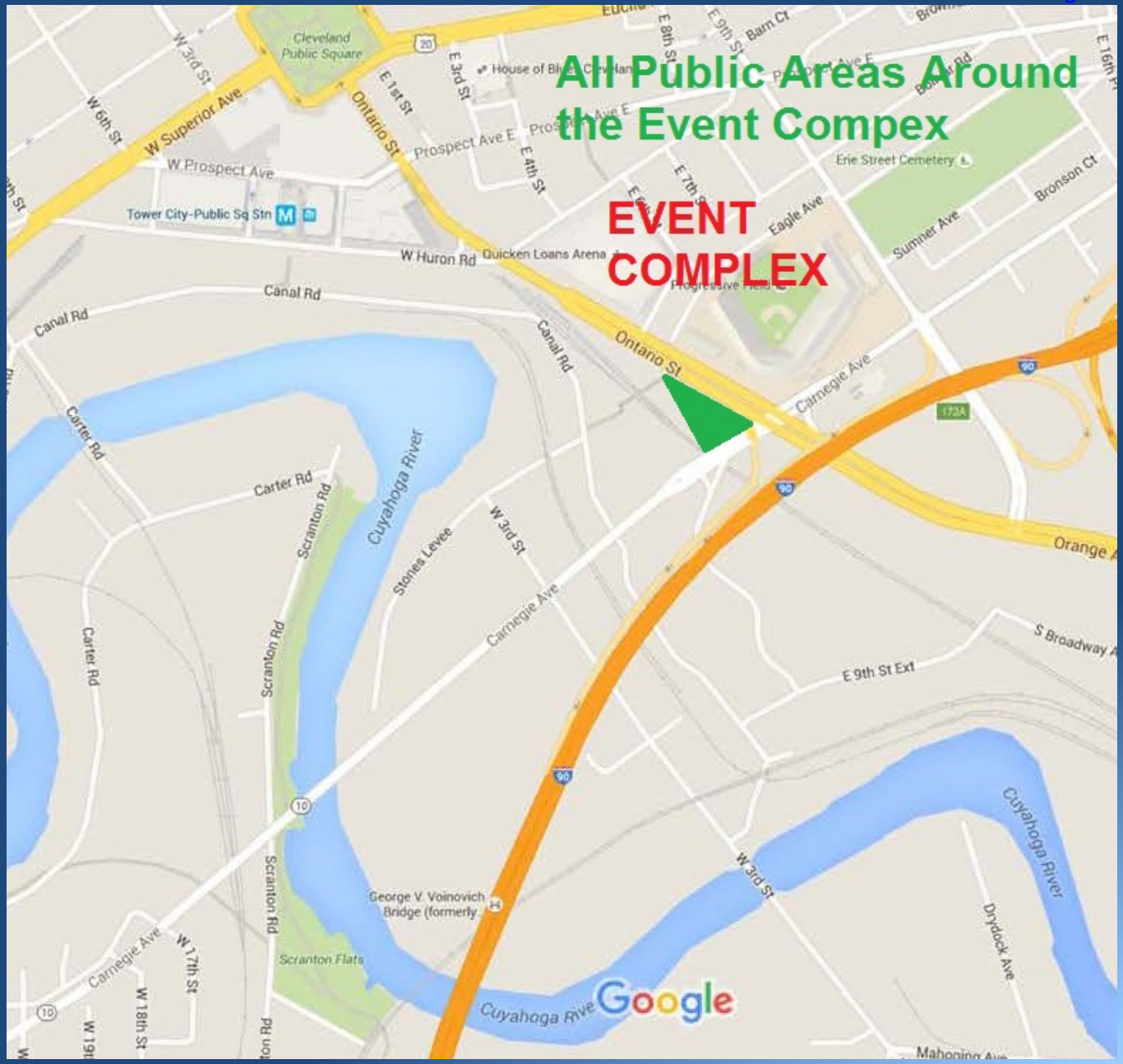
CLEVELAND 1796 PROGRESS & PROSPERITY

It is the policy of the City of Cleveland that persons and groups have the right to organize and participate in peaceful parades . . . on the streets and public grounds of the City, subject to reasonable restrictions designed to protect public safety, persons and property, and to accommodate the interest of persons not participating in the assemblies to use the streets and sidewalks to travel to their intended destinations, and use public grounds for their intended purposes.

- Cleveland Codified Ordinances § 411.05(f)

JONES DAY®

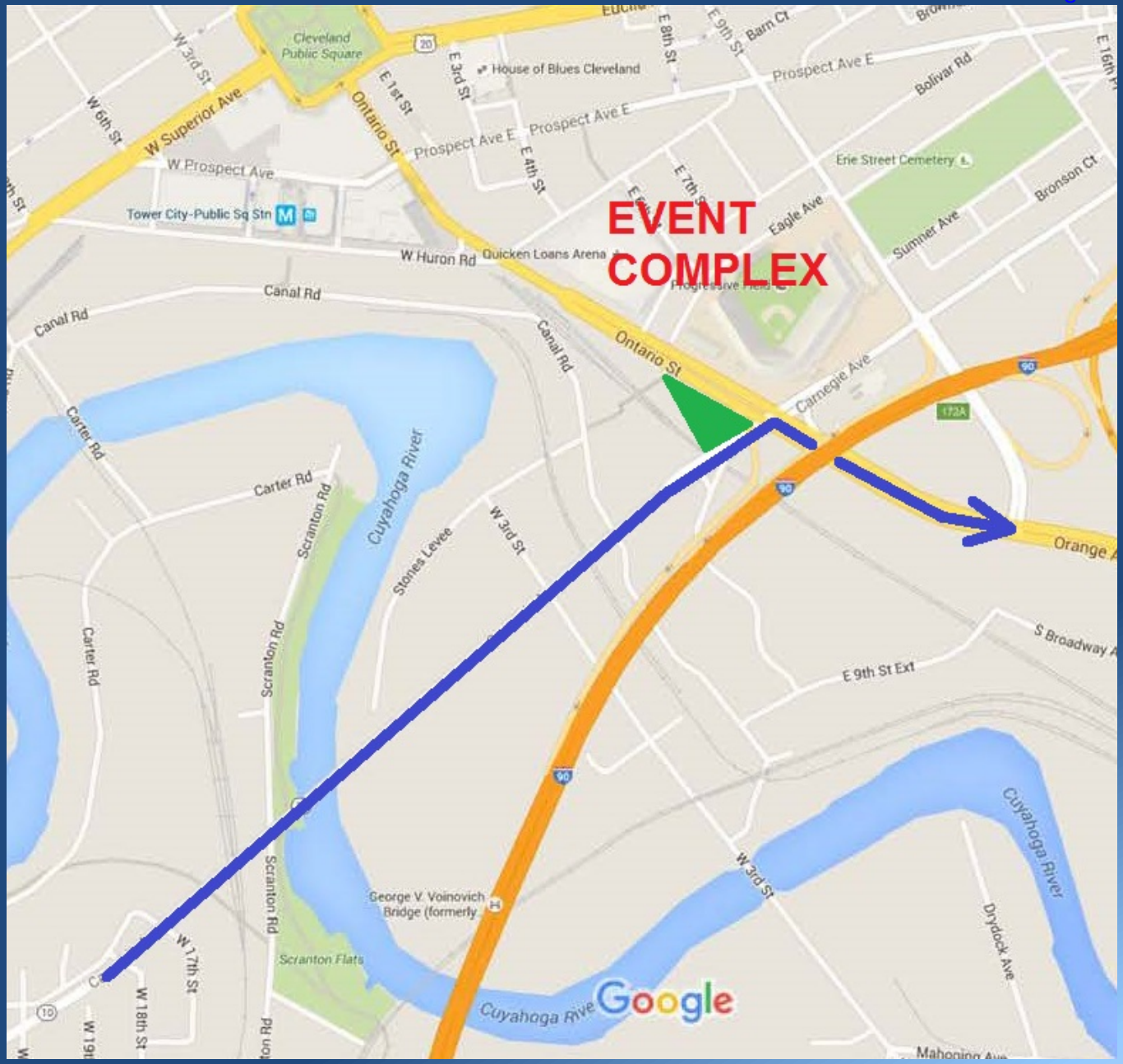

EVENT COMPLEX
Cleveland Public Square
W 3rd St
W 6th St
W Superior Ave
E 1st St
Ontario St
E 3rd St
House of Blues Cleveland
E 8th St
E 9th St
Barn Ct
Prospect Ave E
Bolivar Rd
E 16th St
W Prospect Ave
Tower City-Public Sq Stn
E 4th St
E 7th St
Erie Street Cemetery
Bronson Ct
Eagle Ave
Summer Ave
W Huron Rd
Quicken Loans Arena
Progressive Field
Canal Rd
Carnegie Ave
I-71A
Carter Rd
Scranton Rd
Cuyahoga River
Stones Levee
W 3rd St
S Broadway
E 9th St Ext
George V. Voinovich Bridge (formerly
Scranton Flats
W 17th St
W 18th St
Drydock Ave
Mahoning Ave
Google



Public Viewing Areas:

- The "Triangle" at Ontario St. and Carnegie Ave.
- Public Areas Around the Event Complex
- 1st Amendment Activity Not Restricted to a Designated Area

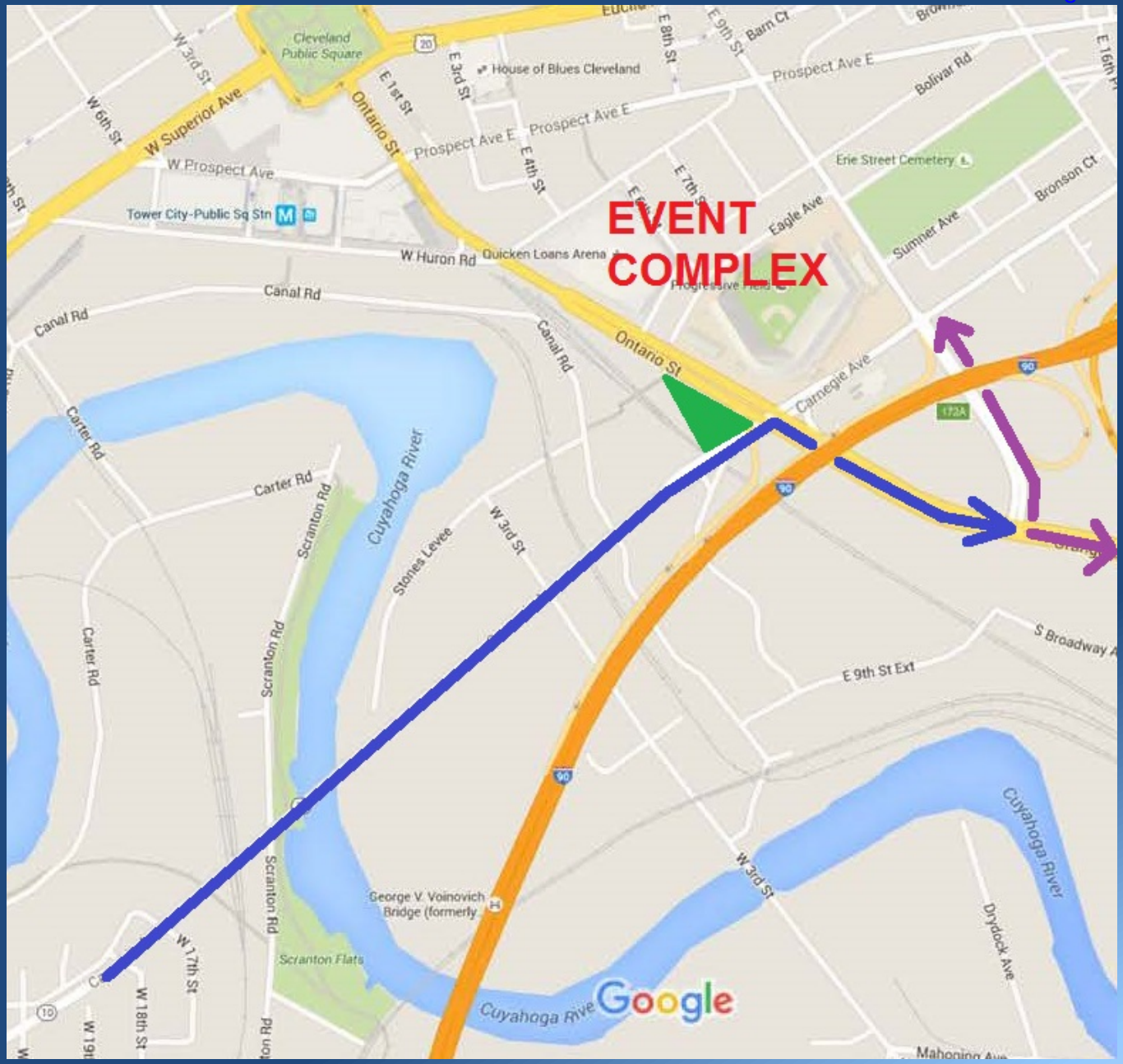
JONES DAY®



Parade Route:

- Starting at Carnegie Ave. near W. 20th St.
- Terminating at Orange Ave. and E. 9th St.

JONES DAY®



Routes from Parade Terminus to Public Viewing Areas:

- E. 9th St. to Prospect Ave.
- Orange Ave. to E. 14th St.

JONES DAY®

Parade Route Offers Clear Sightlines To Convention

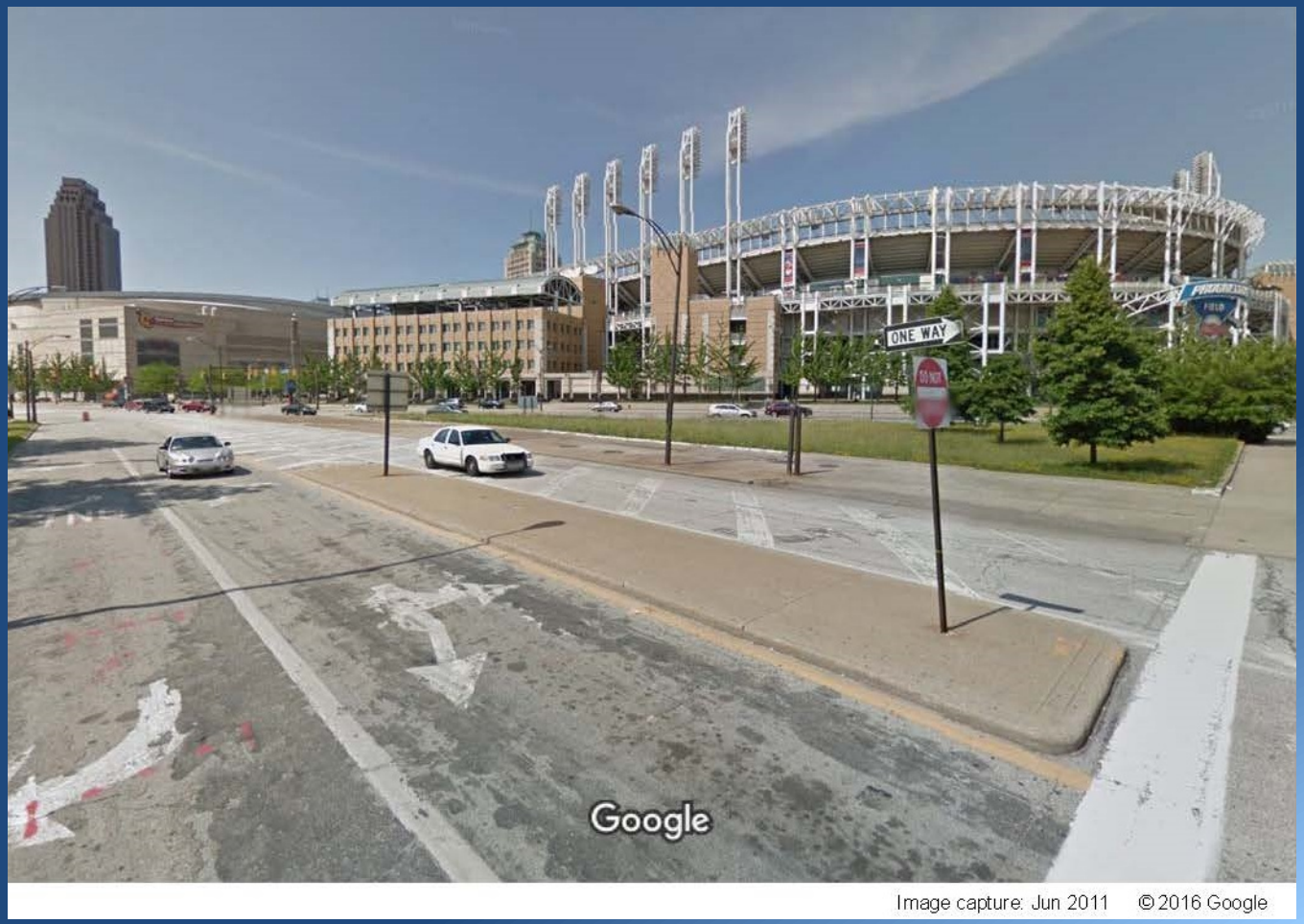
West End of Carnegie Bridge looking toward the Event Complex

Parade Route Offers Clear Sightlines To Convention

East End of Carnegie Bridge looking toward the Event Complex

Parade Route Comes Within 160 Feet of the Event Complex

Carnegie Ave. at Ontario St.



Parade Route

View from the Event Complex

JONES DAY®

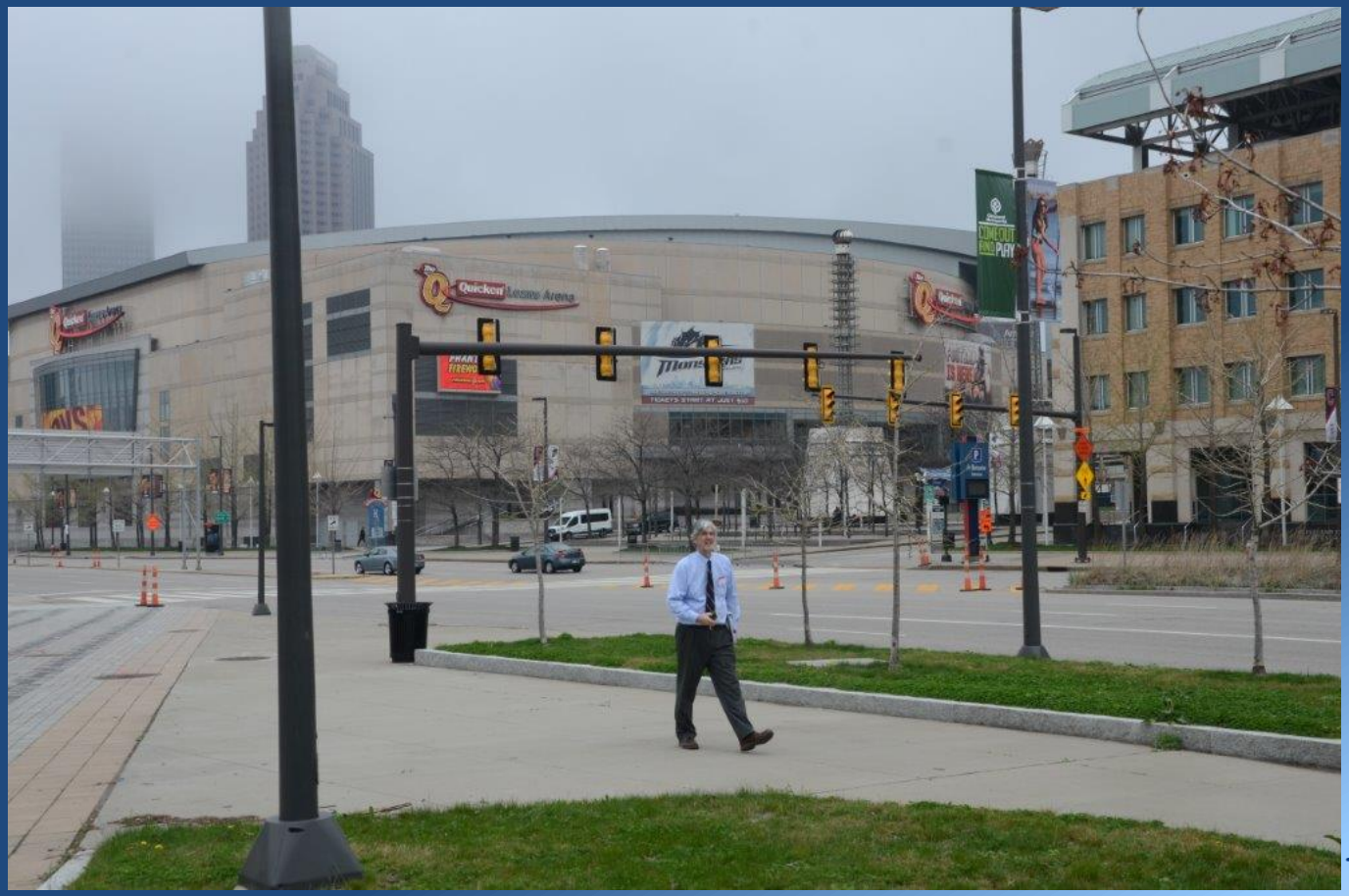
Parade Route

View from a Patio within the Event Complex

JONES DAY®

Prime Public Viewing

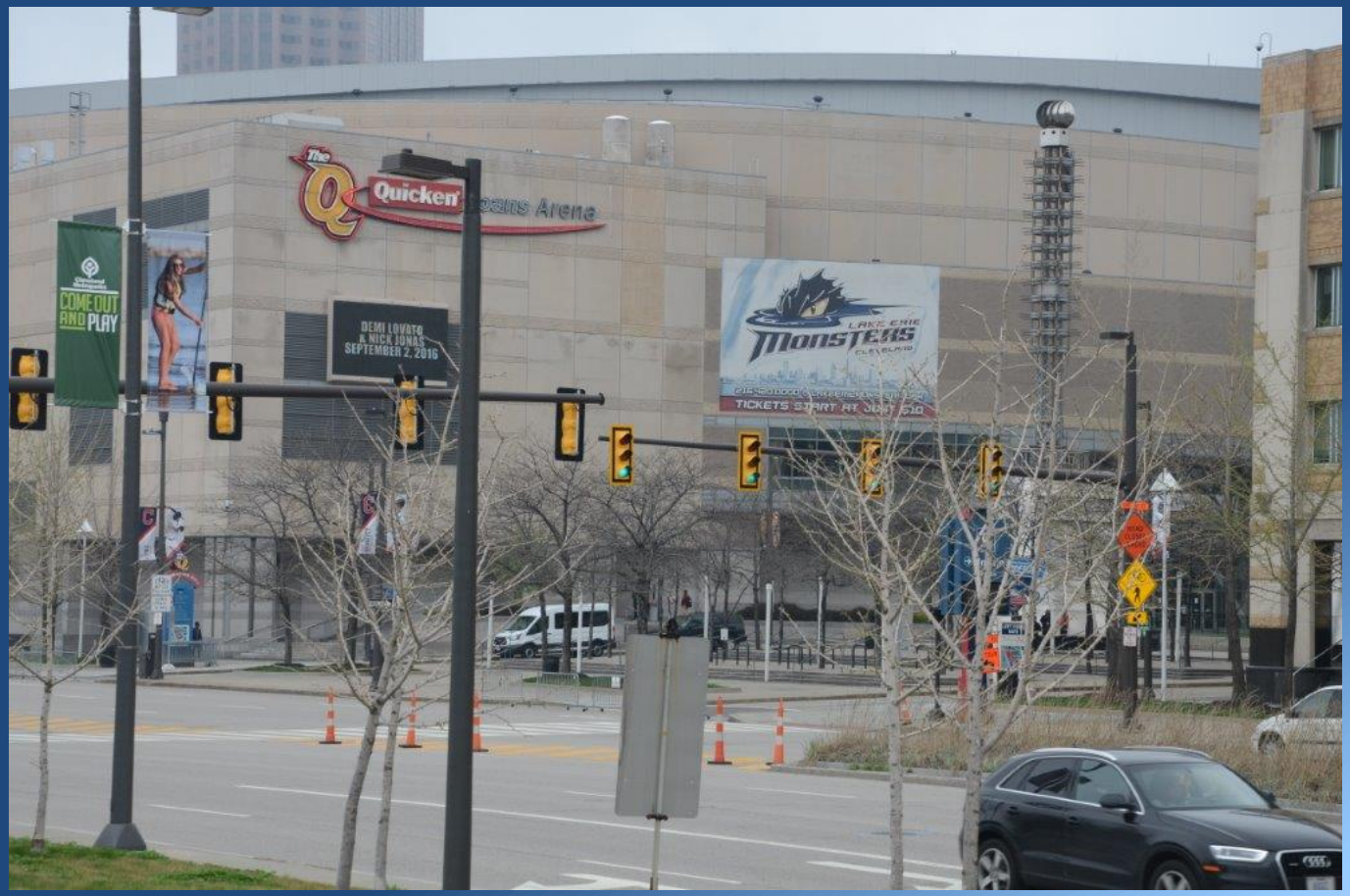
The "Triangle" near Ontario St. and Carnegie Ave. Looking toward the Event Complex



JONES DAY®

Prime Public Viewing

The "Triangle" near Ontario St. and Carnegie Ave. Looking toward the Event Complex



JONES DAY

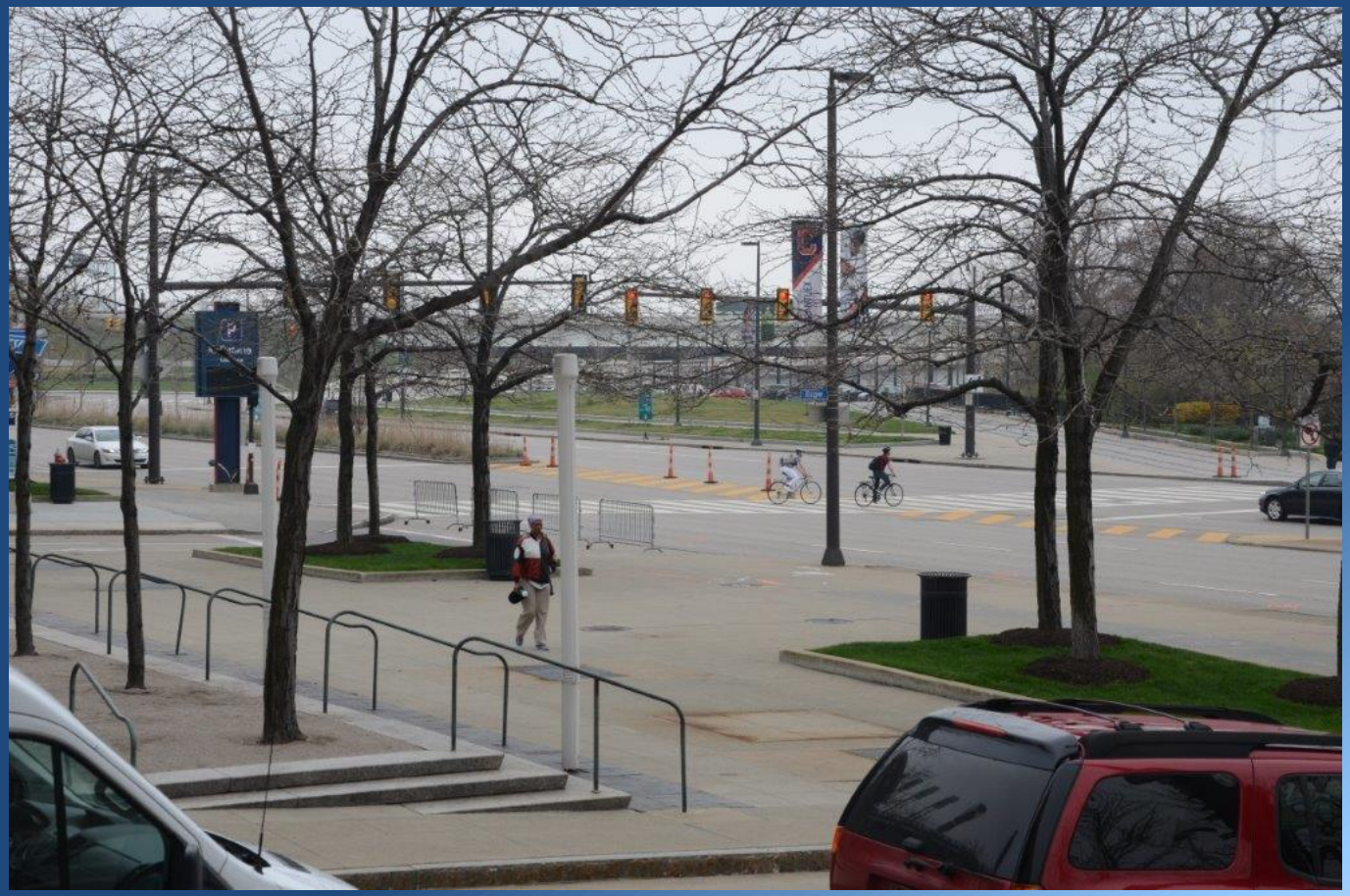
View from the Event Complex

Carnegie Bridge and the "Triangle"

JONES DAY®

View from the Event Complex

The "Triangle" from Ontario Avenue



JONES DAY®

Prime Public Viewing

East 9th St. looking toward the Event Complex

JONES DAY®

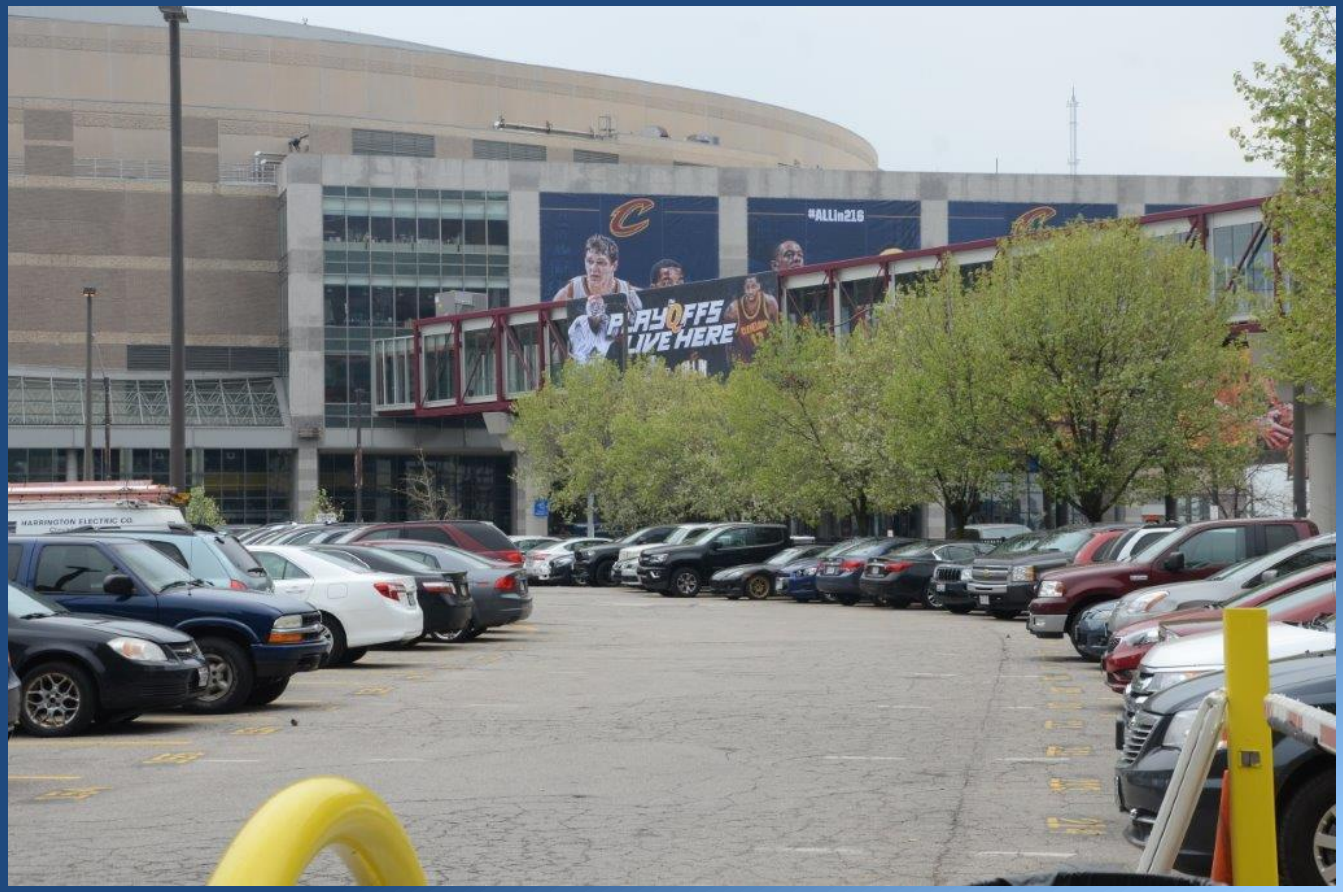
View from the Event Complex

East 9th St. and Eagle Ave.

JONES DAY®

Prime Public Viewing

Prospect Ave. looking toward the Event Complex



JONES DAY®

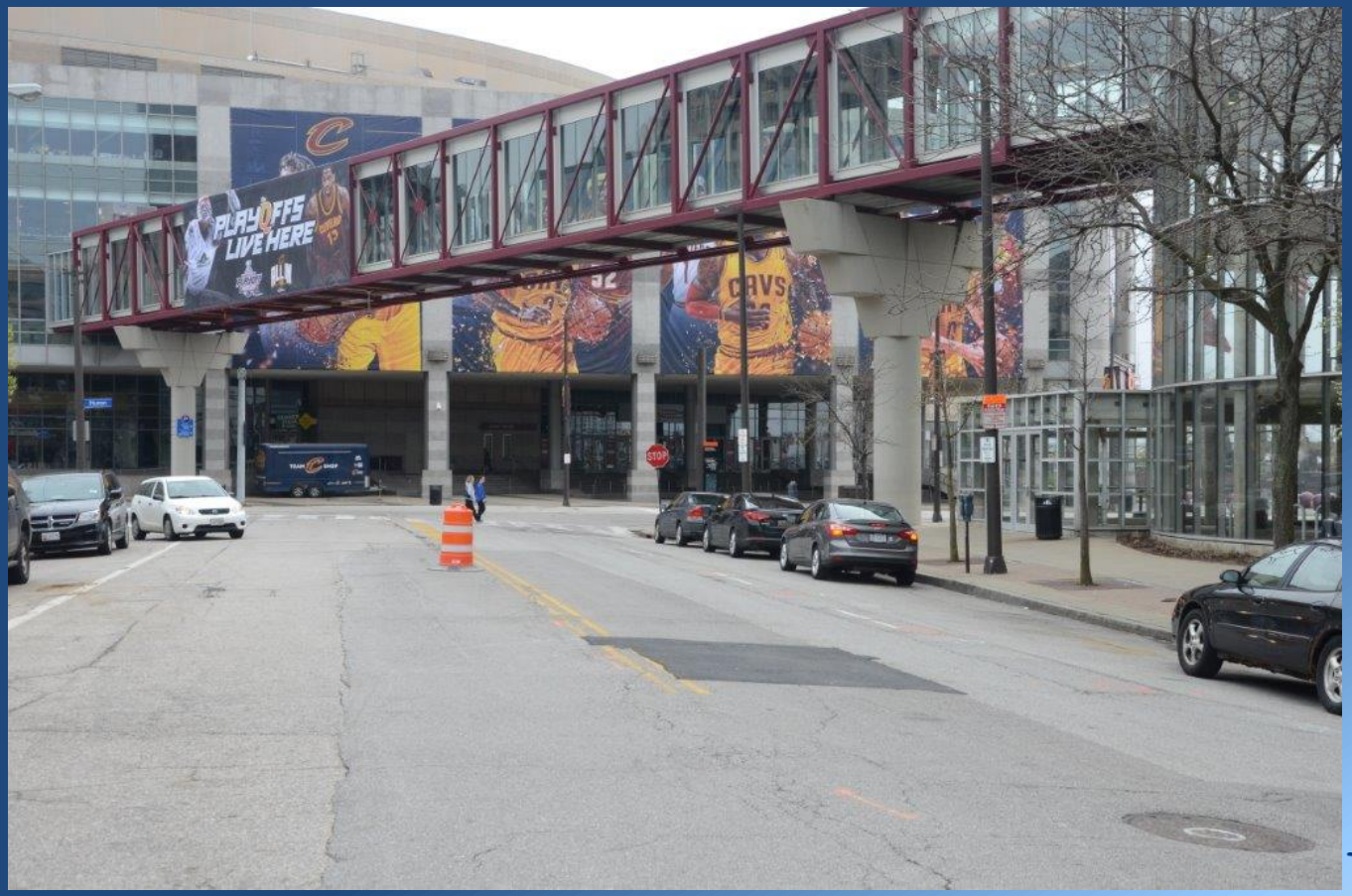
Prime Public Viewing

Prospect Ave. looking toward the Event Complex

JONES DAY®

Prime Public Viewing

East 4th St. looking toward the Event Complex



JONES DAY®

Prime Public Viewing

E. Huron Rd. at East 7th St. looking toward the Event Complex

JONES DAY®

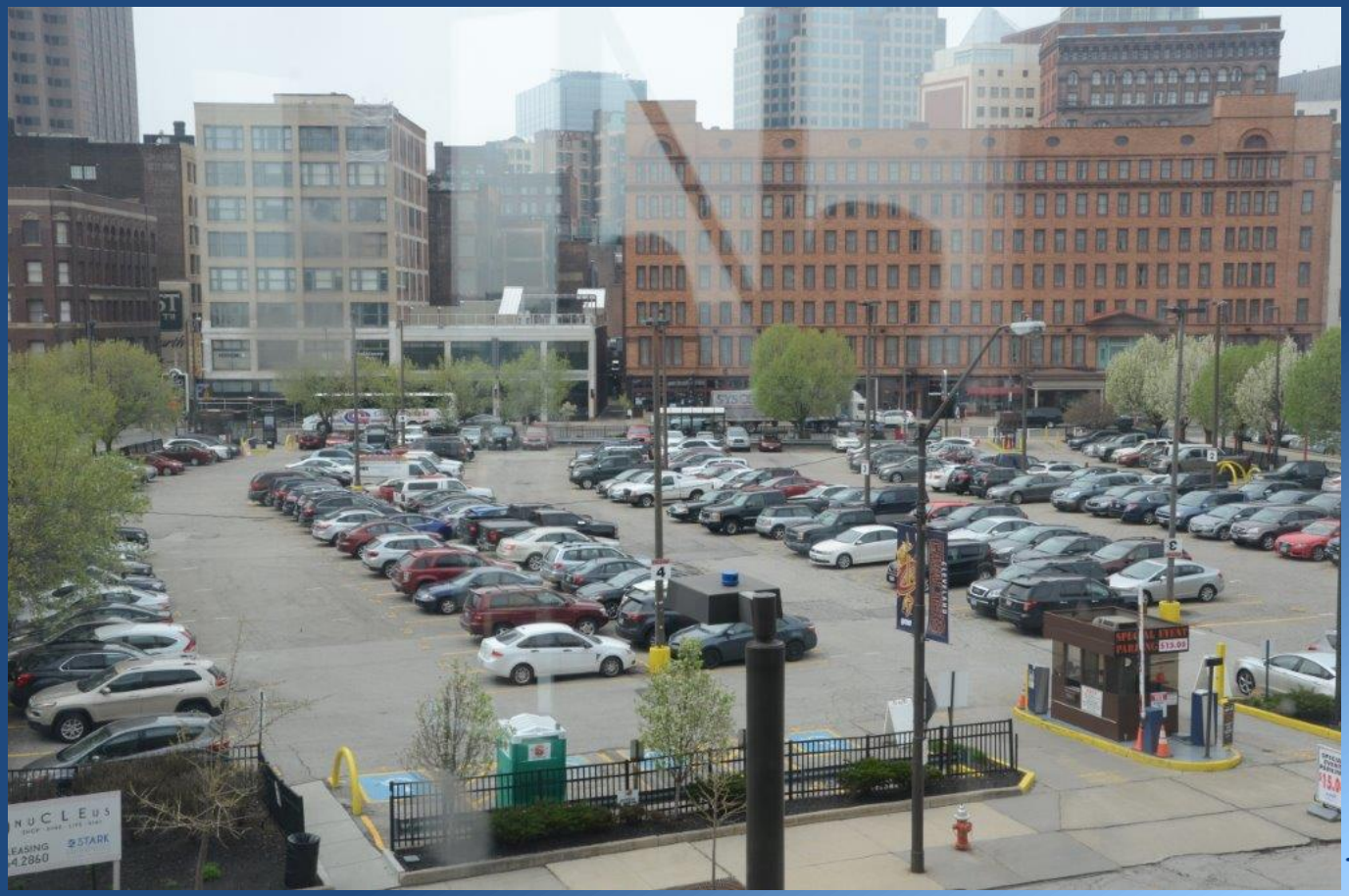
View from the Event Complex

East 4th St. from Quicken Loans Arena

JONES DAY®

View from the Event Complex

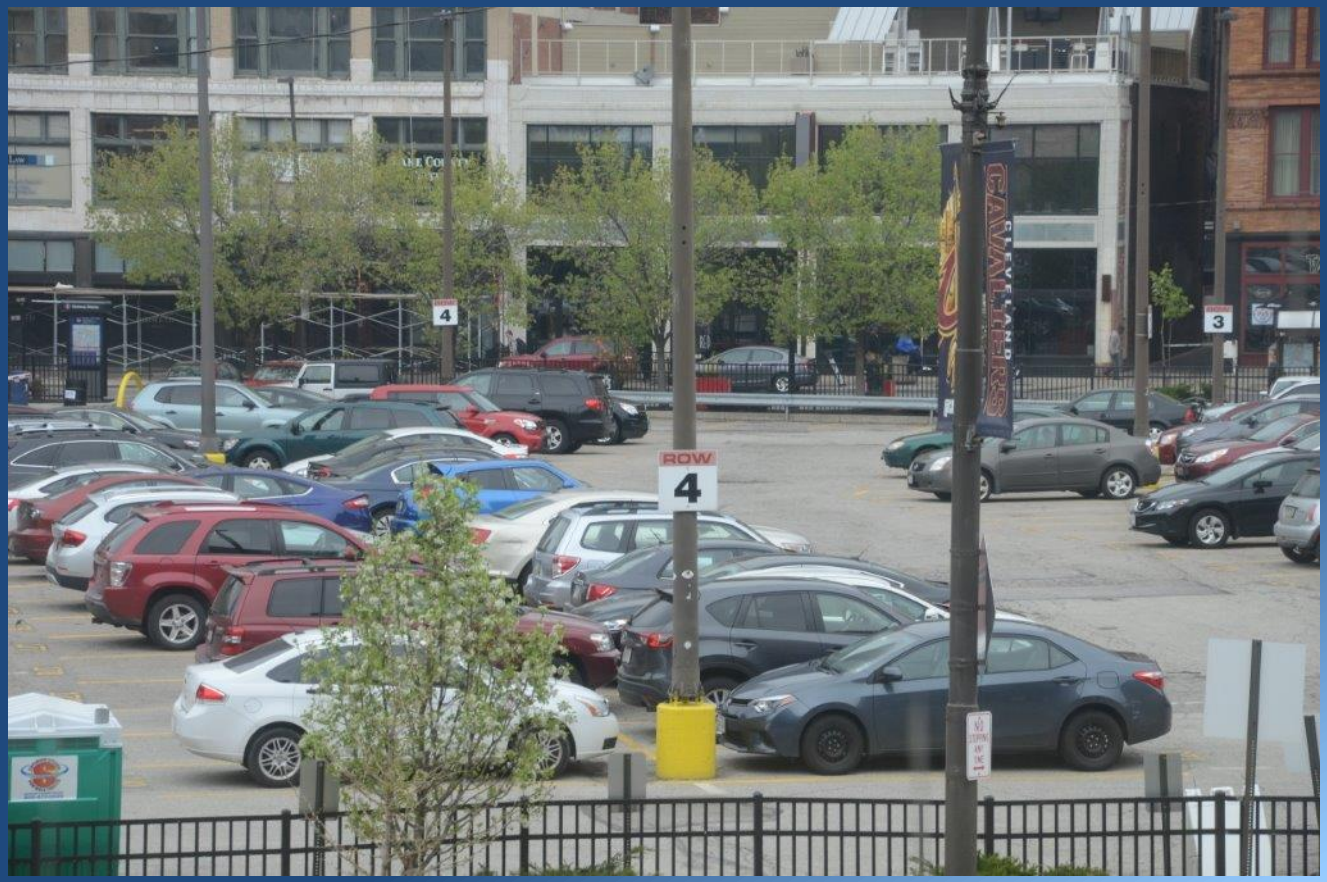
Prospect Ave. from Quicken Loans Arena



JONES DAY®

View from the Event Complex

Prospect Ave. from Quicken Loans Arena



JONES DAY®

The Cleveland Parade Route is Superior To Routes That Have Been Approved by the Courts For Other National Conventions

JONES DAY®

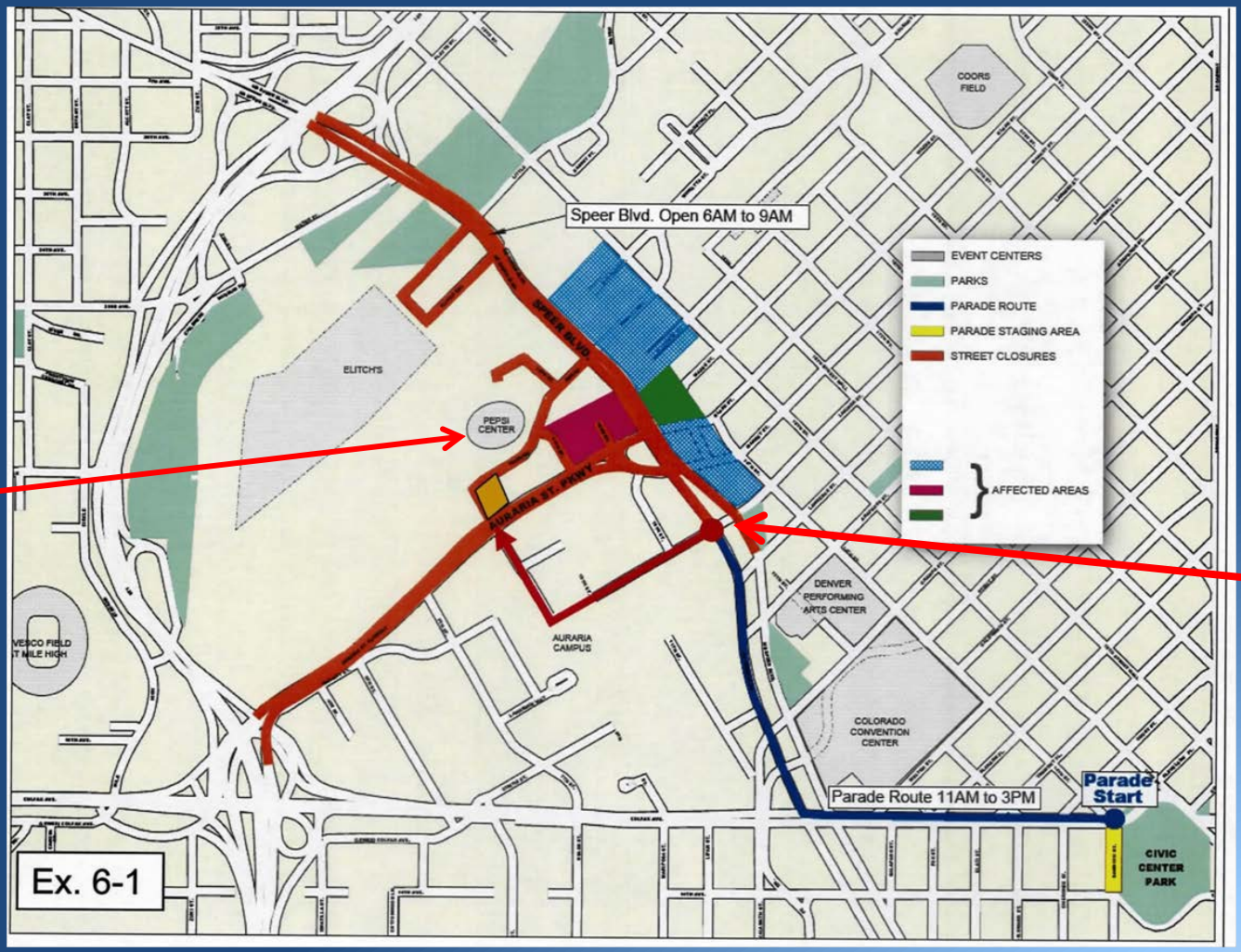
Cleveland Offers Better Access than Most Conventions

	Cleveland (2016)	Tampa (2012)	Charlotte (2012)	Denver (2008)	Boston (2004)	New York (2004)
Closest point of parade to event complex	**160 ft**	860 ft	950 ft	1200+ ft	780 ft to bldg.; one block to drop-off point for 50% delegates	250 ft
Number of parades during convention	18		18	20		11+
Public limited to specified viewing zone near event?	**No**	Yes	**No**	Yes	Yes	Yes
Closest point of public to event complex	300 ft to Arena from E. 4th St.	450 ft to bldg.	270 ft to building	200 ft to delegate bus stop	600 ft to bldg.	250 ft to some delegates

JONES DAY®

Denver's 2008 Parade Route Never Came within 1200 Feet of the Pepsi Center

Convention (1200+ ft away)



End point of parade

JONES DAY

The Cleveland Parade Route Comes Much Closer to the Event Complex than the Denver Parade Route

Cleveland: 160 feet away from the Event Complex

Denver: At least 1200 feet away and out of sight from the Pepsi Center

The Cleveland Parade Route Comes Much Closer to the Event Complex than the Denver Parade Route

View of the Parade Routes

Cleveland view from the Event Complex

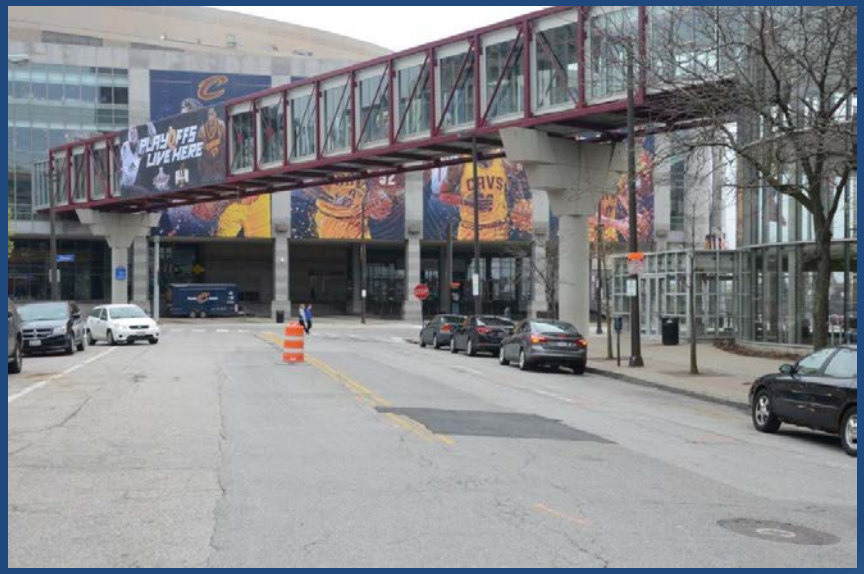
Denver view from the Event Complex

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Denver

Public Viewing of the Event Complexes

Cleveland view from East 4th St.



Denver view from the designated "Free Speech" zone

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Denver

Public Viewing of the Event Complexes

Cleveland view from East 9th Street

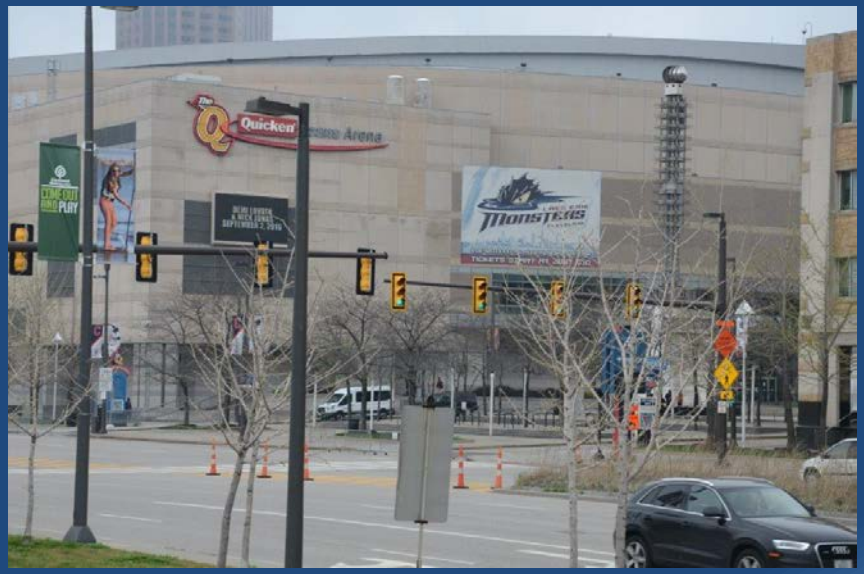
Denver view from the designated "Free Speech" zone

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Denver

Public Viewing of the Event Complexes

Cleveland view from the "Triangle"



Denver view from the designated "Free Speech" zone

JONES DAY®

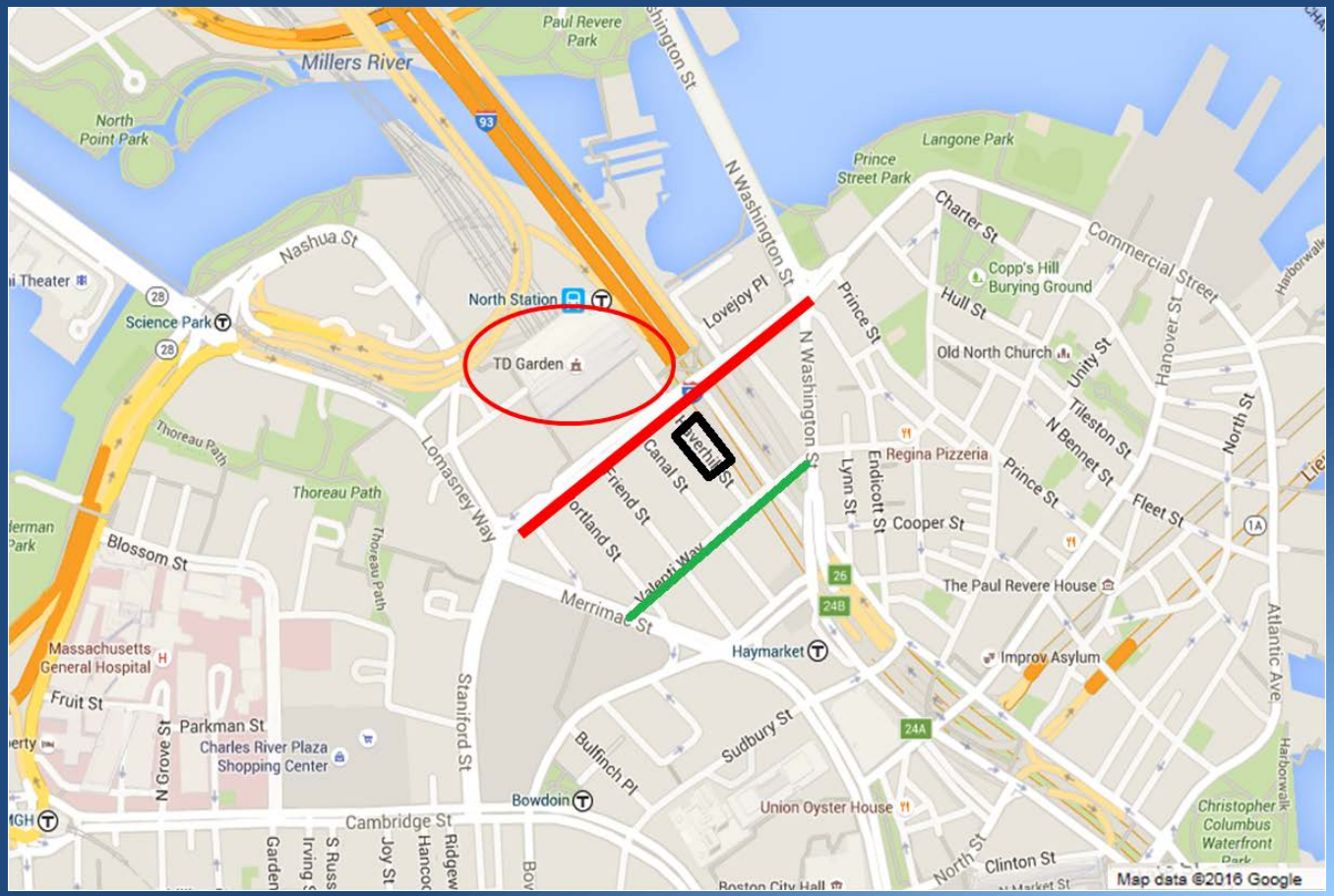
Denver's Parade Route and Public Access Were Upheld by the Court

"[T]he Court finds that the restrictions on access to city streets within and adjacent to the Pepsi Center grounds are narrowly tailored to advance significant governmental interests."

Am. Civil Liberties Union v. City of Denver, 569 F. Supp. 2d 1142, 1180 (D. Colo. 2008)

JONES DAY®

Boston's 2004 Parade Route Never Came within 600 Feet of T.D. Garden Arena



The Cleveland Parade Route Comes Much Closer to the Event Complex than the Boston Parade Route

Approximately 160 feet away from the Event Complex

Over 600 feet away from T.D. Garden Arena

JONES DAY®

The Cleveland Parade Route Comes Much Closer to the Event Complex than the Boston Parade Route

View of the Parade Routes

Cleveland view from the Event Complex

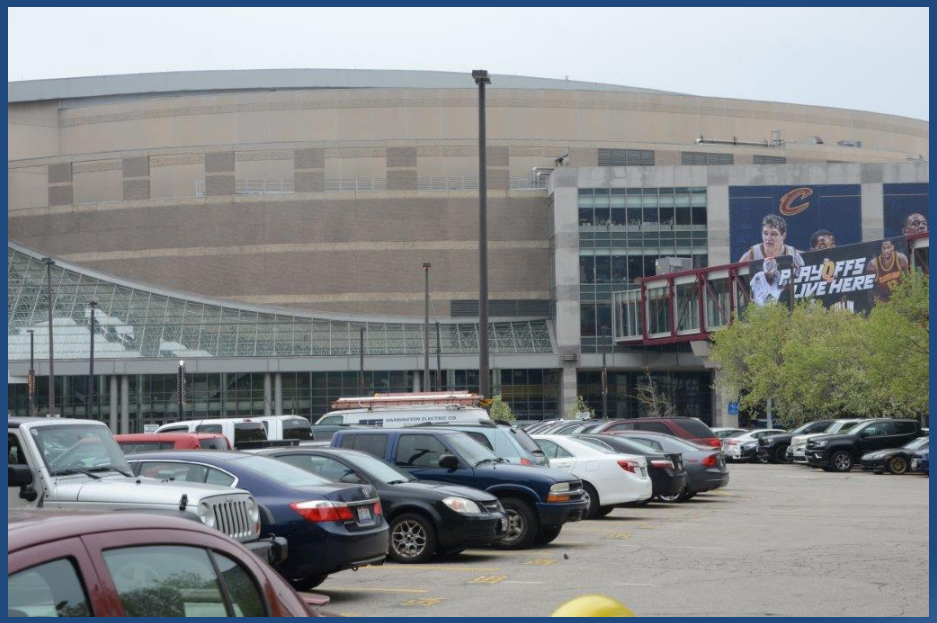
Boston view from the Event Complex

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Boston

Public Viewing of the Event Complexes

Cleveland view from Prospect Ave.



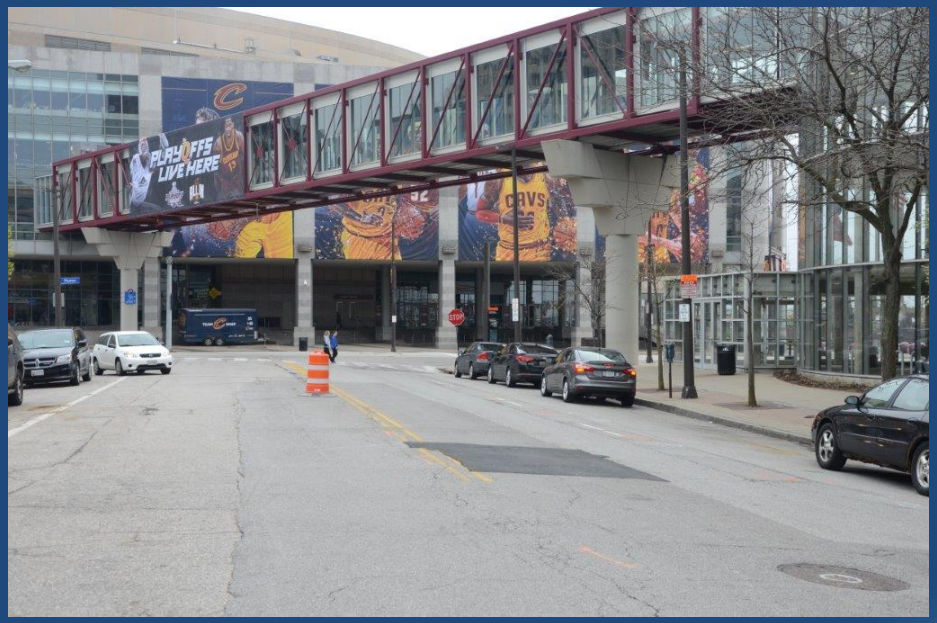
Boston view from the "Demonstration Zone"

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Boston

Public Viewing of the Event Complexes

Cleveland view from East 4th St.



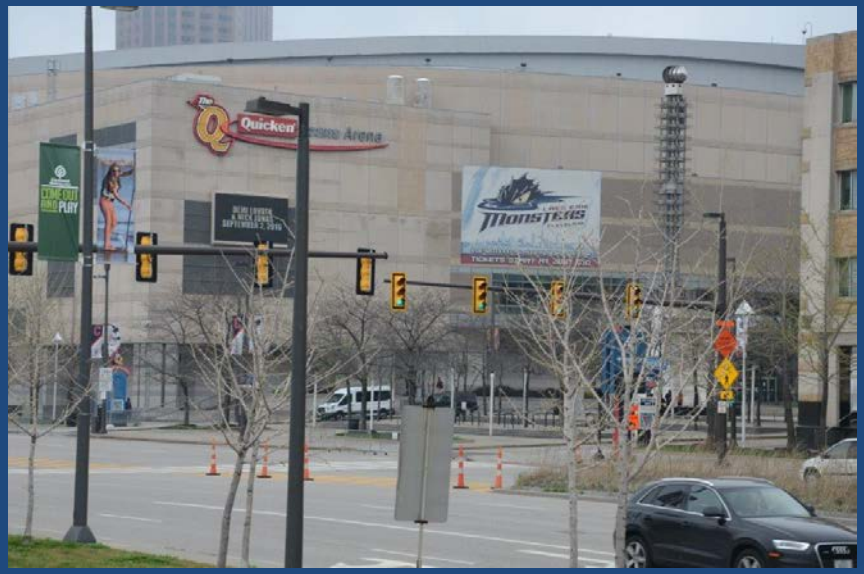
Boston view from the "Demonstration Zone"

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Boston

Public Viewing of the Event Complex

Cleveland view from the "Triangle"



Boston "Demonstration Zone"

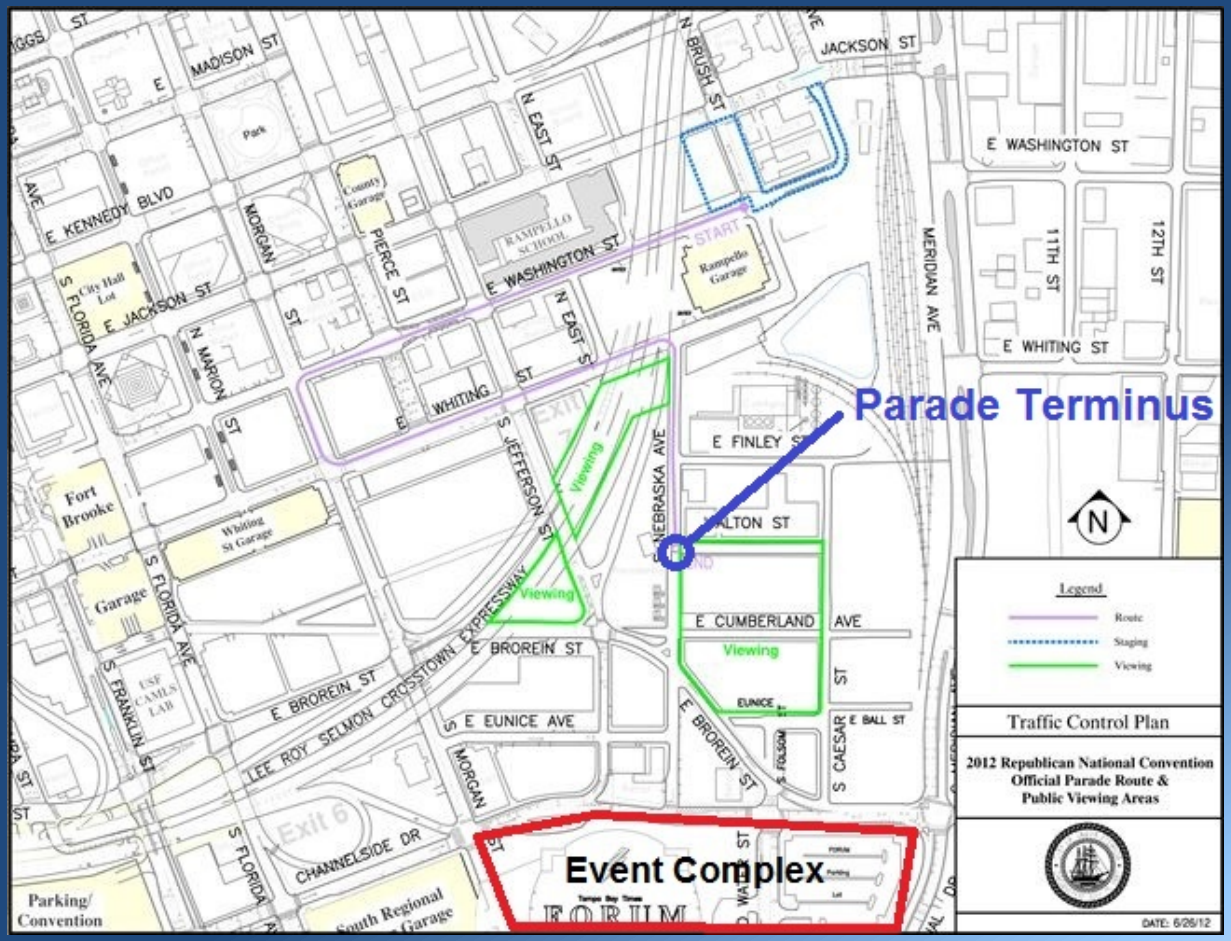
Boston's Parade Route and Public Access Were Upheld by the Court

"[T]here is no injunctive relief that I could fashion that would vindicate plaintiffs' First Amendment rights without causing quite significant harm to the City, the delegates, and the public interest as broadly defined in the form of increased risk to those attending the DNC and further strain on the overtaxed manpower resources of public safety personnel."

Coalition to Protest the Democratic Natl. Convention v. City of Boston, 327 F. Supp. 2d 61, 76 (D. Mass. 2004)

JONES DAY®

Tampa's 2012 Parade Route Never Came within 860 Feet of the Tampa Bay Times Forum



The Cleveland Parade Route Comes Much Closer to the Event Complex than the Tampa Parade Route

Approximately 160 feet away from the Event Complex

Over 860 feet away from the Tampa Bay Times Forum

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Tampa

Public Viewing of the Event Complexes

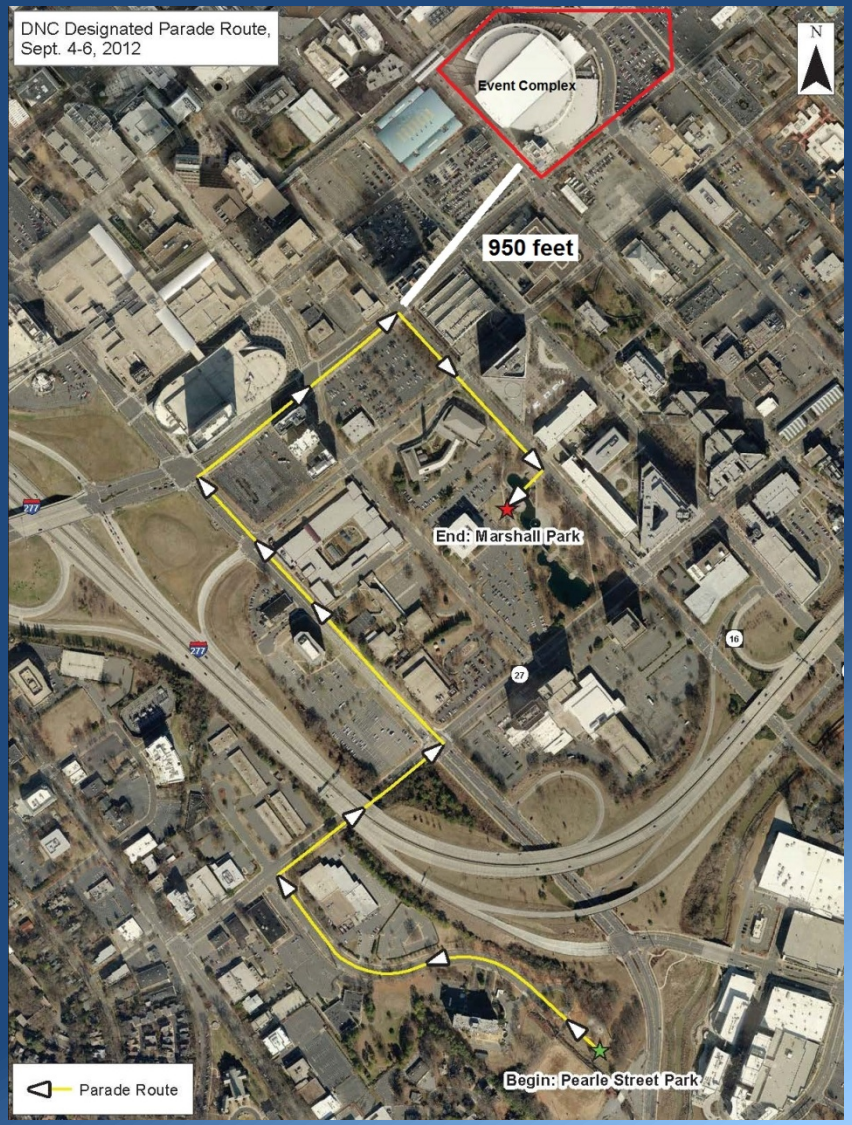
Cleveland view from Prospect Ave.

Tampa view from the closest viewing area at Eunice St.

JONES DAY®

Tampa's Official Parade Route and Public Access Were Not Challenged in Court.

Charlotte's 2012 Parade Route Never Came within 950 feet of the Time Warner Arena



JONES DAY®

The Cleveland Parade Route Comes Much Closer to the Event Complex than the Charlotte Parade Route

Approximately 160 feet away from the Event Complex

Over 950 feet away from the Time Warner Arena

JONES DAY®

The Public Has Much Better Access to the Event Complex than in Charlotte

Public Viewing of the Event Complexes

Cleveland view from Prospect Ave.

Charlotte view from the closest viewing area at N. Brevard St. and E. 6th St.

JONES DAY®

Charlotte's Official Parade Route and Public Access Were Not Challenged in Court.

JONES DAY®